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A HISTORY OF POLITICAL IDEAS

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A HISTORY OF POLITICAL IDEAS

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INTRODUCTION

A HISTORY of Political Ideas is calculated to be the butt both of the historian and of the philosopher. For what can be less historical than a discussion of the ideas in men's minds, what less philosophical than an arbitrary linking up of such ideas, merely because they follow one another in time? It would be well to disarm such criticism at the outset by the frank admission that this book claims to be in the strict sense neither purely historical nor purely philosophical. Rather it attempts to examine the basis of certain political ideas which are commonly recognised to have had their influence on history, and, while taking that influence for granted, to attempt to estimate the permanent contribution which those ideas have offered toward the advancement of human political wisdom. So, though the selection of reformers and thinkers has been so far arbitrary that it cannot claim in any sense to cover, or even adequately to represent, the whole field of political philosophy, yet their thought has been treated in such a way that a certain historical and logical development emerges almost in spite of itself, and links up the separate stages of growth.

It is the nature of the subject itself that enables

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one to recognise both that there is an essential likeness between, for instance, the political theories of the fourth century B.C. and those of the present day, and yet that in the intervening age the world has been steadily advancing in a logical development which is both registered in and influenced by the theories of the centuries between. If we thus admit that there is a fundamental sameness in human nature which makes of history a continuous growth whose thread can be dropped and picked up again at will, we shall be less likely to be shocked by a method which does not attempt to do more than consider the conditions of political life and thought at certain particular stages. At each stage in turn we shall be able to look both before and behind, to take stock of the position that has been reached, and to estimate its importance in the development of the human spirit.

Little attempt has been made in this book to estimate or to work out the actual influence upon history of the various philosophers and theories examined; it is rather concerned to attempt to discover what is the truth underlying the theories which has enabled them to exert that influence. In the study of political organisation the student seems to be, above all, dependent upon the past experience of mankind, and it would seem, therefore, that no sound theory of political society can afford to neglect the lessons that are to be learned from an exami-

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nation of the critical steps in the progress of human development.

One virtue of the Greek thinkers lies in the fact that they were enabled to see the problem simply and to see it whole. Their city states were so small and their organisation so simple that they could fall within the easy comprehension of every citizen. The simplicity of their institutions made it possible for Greek philosophers to attack fundamental problems confidently in a simple and direct manner; thus it was a comparatively common phenomenon in Greek political life for a reformer to bring forward, not some particular reform on a matter of detail, but a completely new constitution—that is to say, boldly to make a fresh attempt to solve the problem as a whole on quite new principles. This does not seem to have meant that the Greeks over-simplified the issues, but rather that their states were so small and their administrative method so direct, that there was little chance for the theorist to lose himself in irrelevant detail. So it was that in their different ways Plato and Aristotle were able to give a clearer and more complete account of the nature of civil society than any subsequent thinker has achieved. The Greek was happy in his position; for he could look upon the problem as essentially manageable, and could proceed with serene confidence to solve it by the unaided light of pure reason alone. From one point of view, then, it was bound to appear that all subsequent

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thinkers could only cover again in a detail-ridden and laborious manner the ground which had already been so brightly illuminated by the pure speculative reason of the Greek philosophers.

The Romans, like all the peoples of the world since their time, were less happily situated. It is clear that the fundamental difficulties involved in the organisation of a world Empire would not lend themselves to discussion and solution in the market-place as readily as the problems of government of the city state. The time had come when problems were so complicated that important political steps were bound to be taken more or less blindly, and only taken at all to avoid some imminent catastrophe. Statesmen were perpetually finding the difficulties left unsolved by the preceding age pressing upon them so urgently that they could only advance slowly, a step here and a step there, more in hope than in wisdom. So they patched up from time to time the principles they had inherited from their forefathers, and managed more or less successfully to keep out the insistent weather. So through the Middle Ages men patched and patched the principles of government they had received from Rome until they saw in what direction the great system which they were building was tending. Machiavelli showed it to them in its true light, and then at last they repudiated and destroyed it.

Then in the new world, Rousseau tried to establish

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a new order by the pure intelligence alone; but by now political development had proceeded too far, and pure reason unaided was helpless. The doctrines of Montesquieu, who, in his admiration of England, did not neglect the lessons to be learned from experience, were more fruitful; guided by his writings, the American reformers founded that "rigid constitution" under which the United States are governed to-day. But the French Revolution has shown that the attempt to frame by pure thinking a working system of political institutions for the modern nation State is beyond the power of the human mind. Man has so much widened his conception of liberty and has so greatly increased his demands on the reasonableness and sensitiveness of the State, that, if we may so put it, the State can only learn to satisfy these demands by long experience and by persistent attempts to accustom itself to meet approaching troubles; it is only by acquainting itself with the temper of its people that it can establish within itself a system of government which will bend and not break in the storm.

The business of the political theorist to-day would seem to be to watch the development of this State, and to learn the lessons of this development. Nor must he think that by so doing he is shirking the real problem; he need have no fear that, while learning a great deal of political practice, he is advancing not a whit in political theory, or that, while he is

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becoming learned in knowledge of what is, he is still no better prepared for making up his mind what ought to be. In politics it is impossible to separate the examination of what is right from the analysis of what is possible. No doubt Plato would have thought that democracy was good, could he have thought it possible. The development of the State, like growth in organic life, often brings forth better things than we could have dreamed of; we have then to widen our scale of values to include such new experience. So while we, like the Greeks, approached our enquiry confidently assured that pure reason would triumph, we lay it down in a far different spirit; for we are forced to recognise that the theorist must always wait upon the vote of the plain man, and that the issue of the struggle between the State and rival associations lies even in theory, as it clearly does in practice, beyond our telling.

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A HISTORY OF POLITICAL IDEAS

CHAPTER I

THE GREEKS: THE *REPUBLIC* OF PLATO

WHEN the Greek looked upon the world he saw that it was intelligible, and that it was man's most natural pursuit and his most obvious duty to try to understand it. When he thought about the "good life," it appeared to him that there must be on all occasions one thing which it is right to do, one course which it is right to pursue, and that it was man's business to find this right course and pursue it. So also in political life there was for the Greek always one policy which was the best policy, one constitution which was the best constitution, and all that was necessary was to discover that policy and to follow it, to find that constitution, and to preserve it.

To this essentially simple view it might be objected that some things are, as we say, a matter of opinion; that Themistocles might advise one thing, Aristides another, and there might appear to be "nothing to choose" between the two views. It might seem that whenever we act we do and must act on the strength of opinion only, and that our action can never be based on certain knowledge; we can never know all

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the facts, so that all we can do is to discover all that we can, and then make up our minds and act on our decision. Further, it might be claimed that this is what is of importance morally; our actions are good, not if we do what is in fact the right thing to do, but if we do what we honestly think to be right.

Now the Greeks sometimes, no doubt, thought of things in this way, but it was not natural to them. It seemed to them less important that things were a matter of opinion than that one opinion was always better than another, in that it was nearer the truth. There must, therefore, be a truth, and knowledge of that truth will be better than any opinion; moreover, the mind of man is equipped to find this truth. It should therefore be man's purpose, they thought, to find it once and for all, so as to be able to live their lives always in the light of it. Pythagoras and his followers had taught that in mathematical studies it was possible to arrive at certain knowledge; in that sphere there was no place for mere opinion, since every proposition could be finally proved—a wrong view could always in the end be proved to be wrong, and the truth could be proved to be true. So the conclusion was drawn that not only mathematics, but everything in the world could be explained and understood in a similar way, if only things were examined from the right angle.

How, then, was the truth to be discovered? Clearly, as in mathematics, it must be by thinking; for it is the thinking mind which alone can win its way to understanding and knowledge. The political thinker then must follow the example of the mathematician; all he has to do, thought the Greeks is to

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collect his evidence and sift it and thus he will discover the truth; so he will find the one ordained solution to the political problem, just as the student finds the one right answer to any arithmetical sum. Thus it seemed that the solution of the problems of political life, like the solution of all other problems, depended simply on knowledge. Knowledge was the one thing which was worth following and preserving in whatever sphere of life. So the Greek ideal State was a commonwealth organised and governed with the greatest wisdom; and since the greatest wisdom would seem to reside in the ideally wise man, the central point in Greek political philosophy is the doctrine of the Philosopher King. In practice, of course, they recognised that an ideally wise man was unobtainable, and they preferred, therefore, to put their trust in other forms of government. Yet it would seem that, in spite of this, they all thought in their hearts that government by the wisest man was really the ideal.

It is this insistence on the importance of wisdom which explains the curious paradox underlying Greek political thought. The Greeks saw as clearly as any people that the end of the State was an ethical end—that the business of political society was to make possible and to promote the good life. Yet their ideal for civil society involved a form of government which, to modern eyes at least, renders impossible a truly ethical life for individual citizens, since all must submit themselves unconditionally to the commands of an absolute ruler.

Yet the Greek view is an intelligible one, the basis of which can be easily seen. Man is a creature of desires and passions, and he is also a creature of

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reason. Clearly it is reason that rules, for except in a few isolated cases a man thinks before he acts, and his thinking seems to determine his action. Now when a man thinks, he seems always to be right or wrong, and of course it is his business to be right. So an examination of the mechanism of action seems to show that a man is meant to do the right thing. But when a man further reflects on his actions, he recognises that he has often been wrong in the past, and he also notices that certain other people seem to know more about the problems involved than he does. Now, if it is his business in action to do what is right, and the above considerations seem to show that this is so, he will act on the opinions of wiser people, since he knows that they are more likely to be right than he is; that is to say, in the words of Plato, "a man when he is most truly himself will act in accordance with the best reason, whether it be his own or in somebody else." So, again, we return to the ideal of the Philosopher King, the supremely wise man who is to find out for us what is right and whose ordinances we must obey, since in him we recognise Right Reason.

The position may be summed up thus: "There is an Eternal Truth, an Eternal Justice. These eternal verities we have to find so as to live our lives in the light of them. But they are One, and when they are found, they are found, and it matters not who found them, for they will shine upon us all and illumine our lives. Let us seek out a great philosopher who will find them for us, and we will live in his shadow." This was the Greek faith. Any man who could offer his disciples the Truth about the Universe in one short sentence always found many followers in Athens.

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We must not assume, however, that Truth and Justice were recognised and worshipped by the Greeks, any more than by other peoples, without a struggle. The very view that the State has an ethical end to serve has at all times had its enemies, and it was only after much toil and many blunderings that the Greeks discovered that there was a fundamental verity underlying the chances and changes of political life, in the light of which the lessons of these changes could be learnt, and the continuity of human progress assured. For even the Greeks, with all their sharpness of intellect and speculative energy, required experience to teach them that it is only in the light of man's ethical judgment that political society can be understood. A brief examination of the political development of Athens is necessary to make this clear.

It was early recognised in Athens that every citizen must have some part in the government of his State; and the uncompromising and vigorous character of the Athenians soon assured that every citizen could in practice play a real part. So Athens became a democracy. It is to the history of this democracy and its subsequent acts that we must look if we are to determine the Athenian conception of the State; if we are to discover how far the true meaning of liberty, which seems so admirably exemplified in the growth of their constitution, was really understood by the Athenian people. Clearly they realised that it was necessary to political liberty that every citizen should have a say in the government of the country, but did they know more about it than this? We have already indicated that the great contribution of the Greeks was that they came to recognise that the business of

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the State is to make possible the good life, and that all political action and development must be relative to the ethical end of man; but the time for this conviction had not yet come. We must examine how the light dawned in the history of the Athenian democracy.

We have to deal with a people who governed themselves by means of a General Assembly consisting of all the citizens. What are the principles which should guide the actions and decisions of this Assembly, whose vote alone determined what action should be taken, since there was no other means by which the nation could act?

On the side of credit we may set the Persian War and the Confederacy of Delos. The democracy at Athens does seem to have recognised a certain duty to drive back the Persians, and, in subsequent years, to protect the islands from Persian aggression. Here the Athenian people seem to have been moved by definite feelings of duty. They might have made extremely advantageous terms with the Persians, but they preferred to stand by the Greek race even at the cost of leaving their city; and their action has been admired in all ages. Moreover it is established beyond all doubt that in the early years of the Delian Confederacy, Athens treated her allies with scrupulous fairness and sometimes even with considerate generosity.

Consider, next, the magnificent building schemes of Athens under Pericles; these schemes, the nobility of their conception and execution, and the persistence and steadfast judgment which thought it right thus to spend large sums of money over a number of years are unimpeachable evidence of a lofty

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conception of the purpose of the State. Indeed, the whole of the remarkable career of Pericles bears witness to such a conception. Both this policy and the means which he employed show that he was a man of strong moral judgment and spiritual purpose appealing, on the whole with success, to that side of the Athenian character which was like his own.

"This man," says Thucydides, "deriving authority from his capacity and acknowledged worth, being also a man of transparent integrity, was able to control the multitude in a free spirit: he led them rather than was led by them; for, not seeking power by dishonest arts, he had no need to say pleasant things, but, on the strength of his own high character, could venture to oppose and even to anger them. When he saw them unreasonably elated and arrogant, his words humbled and awed them; and when they were depressed by groundless fears, he sought to reanimate their confidence. Thus Athens, though still in name a democracy, was in fact ruled by her greatest citizen."[1]

The Greeks were, however, passing through a difficult time. Their early faith and all their accepted opinions were being weighed in the balance and found wanting. Greek religion was found to be based on a theology which was not merely childish but definitely degenerate in character. Old wives' tales and superstitious explanations were being discredited in the light of the discoveries of science; and all things, valuable and degrading alike, were being trampled on in the onward march of all-conquering Reason, which could and would explain everything.

This fearless application of Reason to all things sacred and profane has been for all ages the glory of

[1] Thucydides, II., 65.

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the Hellenic world; and it was to culminate in a great system of Ethical Philosophy to which even Christianity owes much, and a great part of which it has hardly transcended. But the time of this certain conviction was not yet. The great thinkers were bound to start by destroying. National beliefs must yield to doubt, and time was needed before doubt could yield to knowledge. Meanwhile no guide could be trusted and there was no criterion to which appeal could be made. Thus, though the popular sentiment as to what was right might be a mistaken one, it was subject to no test, for there was no standard by which to test it. In default of any accepted morality what the whole people asserted to be right must be taken to be right. It was impossible to raise an outcry by reference to any accepted canons of justice; everything was in doubt, no view could be proved, and Reason in the heyday of its newly-found power would accept nothing but proof. The only thing which could be recognised was the actual judgment of the people in any particular case. So at last it came to be explicitly stated that the people were the seat of the knowledge of good and evil; and it was thought that it must be so and that it was right that it should be so. There was and there could be no appeal against the judgment of the whole people; no redress from their wrongs except by treason. There were philosophers to teach that there is and can be no law superior to that of the State, for above the law stands the law-giver, and it was the people of Athens who were her law-givers. So they came to think it monstrous that they should be unable to do anything which they wished to do. By playing on

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their emotions it was possible to appeal against their decisions, but it was not possible to appeal to principles. They had not even principles to guide their own action—they condemned a whole city to death and then pardoned it on consecutive days—and so the people became the "many-headed capricious beast" of Plato. It is a commonplace that this absence of principle plunged the Athenian people headlong on the road to ruin. This is the story told with such power and judgment by the historian Thucydides. He shows that, in the absence of any law to control their action, the people were bound to end in maintaining and even in believing the philosophy of might. To make this clear it is only necessary to quote from the Melian Dialogue, where Thucydides represents the Athenian embassy as speaking as follows:

"We Athenians will use no fine words; we will not go out of our way to prove at length that we have a right to rule, because we overthrew the Persians; or that we attack you now because we are suffering any injury at your hands. We should not convince you if we did. . . . But you and we should say what we really think, and aim only at what is possible, for we both alike know that into the discussion of human affairs the question of justice only enters where the pressure of necessity is equal, and that the powerful exact what they can, and the weak grant what they must. . . . For of the Gods we believe, and of men we know, that by a law of their nature wherever they can rule they will. This law was not made by us, and we are not the first who have acted upon it; we did but inherit it and shall bequeath it to all time, and we know that you and all mankind, if you were as strong as we are, would do as we do."[1]

[1] Thucydides, V., 89, 105.

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In this way the emancipated people of Athens became a tyrant and met its inevitable doom. It remained for Plato to point the moral of its fall and to provide a new inspiration for the future, for in the eyes of the ancients the names of "freedom" and "democracy" were for ever discredited as political ideals.

In the *Republic* Plato at once attacks the heart of the problem, though the question he asks himself is not at first sight a political one. "What is Justice?" he asks, and at once engages with the arch enemy. "Justice is the interest of the stronger." This view, which Plato found so difficult to refute, is put into the mouth of the sophist Thrasymachus. If you examine human nature, he says, you will find that man both does and must act always in his own interest. You have only to look at the actions of those around you to see that this is so; rulers rule for their own interest—to keep themselves in power and to make themselves rich or loved and respected, according to their private inclination; and even the shepherd who shows such loving care for the lost lamb is fattening it for his table or for the market. Moreover, what other principles of action can there be? If you examine the so-called principles of justice and equity in the light of which those men who are reputed good lead their lives, you will see that they are just the convenient regulations of organised society—that the weak have banded together to protect themselves against the strong. When we say that we "ought" not to do so and so, we mean that society forbids us to do it, and that we shall be punished if we do do it; though of course

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if we could do it and escape punishment, we should pursue our own advantage all the time, and should be foolish not to do so.

Plato first shows that this argument is self-contradictory, or at least that it will not fit the ordinary use of language; but though by this preliminary bout Thrasymachus is reduced to silence, Plato does not rest satisfied. He recognises, as he explains at length in a later dialogue, the *Parmenides*, that to show that a view is self-contradictory is an easy task for any sophist, but is in itself valueless to a philosopher except in so far as it suggests to him the basis for a constructive view. He then goes on to remind us that the plain man is confounded by the subtlety of the sophist's view, yet far from being convinced by it, he revolts from it. Plato raises up for us two plain men, Glaucon and Adimantus, who state the view again even more thoroughly and more consistently than did Thrasymachus, but who want to see it refuted. Though they find no flaw in the argument, yet they feel it to be wrong. Plato wants us to see that difficult as the search is—and we shall find it will involve us in an enquiry into the whole nature of truth and reality—yet we must pursue it, for the sceptical view quite clearly will not do; and since there is a principle of right and wrong we must discover it. It pleased Plato that two men, even creatures of his own fancy, could maintain their faith in the essential goodness of the world in the face of the advance of the all-destroying Reason.

"I have always admired the characters of Glaucon and Adimantus, but when I heard this I was quite extra-

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ordinarily pleased and said : ' Children of Thrasymachus though you are, that was a happy reference Glaucon's lover made to you in his elegy, when you distinguished yourselves at the battle at Megara : Sons of Ariston, children divine of a goodly father.' That seems to me very true, my friends, for there is assuredly something divine in you if you are not persuaded that injustice is better than justice when you can speak so eloquently on its behalf." [1]

The preservation of such a faith is for Plato worthy of infinite patience, infinite labour : There is always a fundamental conviction of this sort, attacked by " reason run riot," which underlies all Plato's great philosophical work. There are for him some convictions so deep, so fundamental, that we ought to die rather than give up the attempt to establish them by sound reasoning.

" ' The greater my confidence in you,' says Socrates in the dialogue to Glaucon and Adimantus, ' the less do I feel that I know how to meet the situation. I cannot come to the rescue. I do not think it is in me. Indeed, you convince me of it. For I thought I had proved that justice is better than injustice in my argument with Thrasymachus which you have rejected. And yet I cannot refuse to come to the rescue. I fear it would be impious were I to stand by and refuse aid while justice was being reviled, and did not come to her rescue so long as there was breath in my body, and I had voice to speak. It is best, therefore, that I succour her as well as I can.' " [1]

This is the greatness of Plato : he never rested satisfied with any view however reasonable, if it

[1] Plato, *Republic*, Bk. II., 368.

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would not square with the facts of experience, particularly the facts of spiritual experience. And Plato was a man of deep spiritual experience. Thus he found the faith to hold to views which he knew he could not state; views which when stated in their most careful and elaborate form—the result of years of labour—he could himself "refute" in a few minutes. Thus it was that one of the clearest thinkers the world has seen so frequently resorted to myths, and thus it has come about that if you want to know Plato's answer to his question, "What is Justice?" you must study the *Republic* as a whole. There is no single sentence, no single paragraph even, which gives more than a hint of his meaning.

Plato now sets out to succour justice by taking up the search for a positive answer to his question, for if he is really to refute the pernicious view of the sophist he must have a definite view of his own which will finally convince men that Thrasymachus was wrong. How will he be able to do this when he has just confessed himself completely at a loss, and when he has nothing on which to build, except the feeling that the sophist's account will not do? Characteristically he goes right to the root of the matter at once. Since the basis of Thrasymachus' view is that if we examine human nature we find nothing at the bottom of it as a motive for action but desire and the calculation of self interest, let us, says Plato, set before our eyes men living their daily lives—let us include in our picture everything that seems necessary to a full life, to the satisfaction of all a man's desires and inclinations and feelings, and let us then see if the sophist's account is a true one. Let us found a

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society of men living a full and happy life, and let us look there for justice, in the confident expectation that it will be something far different from the picture Thrasymachus has drawn of it. . . . "If in our argument we were to watch a city in the making should we not see its justice and injustice in the making too?" So Plato proceeds straightway to his task.

"The origin of a city," he says, "is due to the fact that no one of us is sufficient to himself. Men being in want of many things gather into one settlement many partners and helpers, one taking to himself one man, one another, to satisfy their common needs. And when they exchange with one another, giving or receiving as the case may be, each man thinks that such exchange is for his own good. Thus civil society is the outcome of our necessity." [1]

So Plato enumerates the chief necessities of life and throws into his city butchers and bakers and candlestick makers—craftsmen to supply all the material needs of men and to keep his citizens well supplied and comfortable.

In this way Plato's search for his ideal city seems to be coming to a rapid and easy conclusion.

"Let us consider," he says, "what will be the manner of life of men so equipped? Will they not spend their time in the production of corn and wine and clothing and shoes? And they will build themselves houses: in summer they will generally work without their coats, but in winter they will be well-clothed and shod. For food they will make meal from their barley and flour from their wheat, kneading the one and baking the other:

[1] Plato, *Republic*, Bk. II., 369.

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then they will heap their noble scones and loaves on reeds or fresh leaves and lying on couches of bryony and myrtle boughs will feast with their children, drink wine after their repast and sing hymns to the gods. So they will live with one another in happiness, not begetting children above their means, and guarding against the danger of poverty or war. Leading so peaceful and healthy a life they will naturally attain to a good old age, and at death leave their children to live as they have done." [1]

But Plato knows that this will not do, and at once he puts his objection through the mouth of Glaucon—

"Why, if you had been founding a city of pigs, Socrates, this is just how you would have fattened them!" [1]

Man was not meant merely to fill his belly and sleep like the beasts that perish, and then to die leaving such another life to his children after him. What it is that is missing Plato does not profess to know at all accurately; and so he must throw into his city all the things which are present in our daily life, since otherwise his city would not be a real city, and his view of justice would be drawn from improper data. He must, therefore, include every detail of every side of life, in case he should happen to be omitting something relevant to his search for justice. It is worth while to follow Plato closely for a little :—

"Very well," he says, "I understand we are considering apparently the making not of a city merely but of a luxurious city. And perhaps there is no harm in doing so. From that kind too we shall soon learn, if we

[1] Plato, *Republic*, Bk. II., 372.

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examine it, how justice and injustice arise in cities. I for my part think that the city I have described is the true one—what we may call the city in health. But if you wish let us also inspect a city which is suffering from inflammation. There is no reason why we should not." [1]

The value of this precaution on Plato's part is to be seen later when it will appear that the good and happy man is not primarily concerned at all with the material needs either of himself or of anybody else. So again and again Plato is saved from holding an incomplete view by putting before himself a fair and full picture of the facts, drawn from life, and by taking his conclusions from that.

Plato thus finds it necessary to make his city much larger, and it becomes clear that if a large and elaborate society of this kind is to work smoothly and well, the division of labour must be worked out so that everything that is necessary should be done, and done thoroughly and at the right time. To this end there must be, broadly speaking, three classes in the State; artisans to provide for the material needs of the citizens, warriors to protect the State from enemies without and to keep order within, and, lastly, "guardians" to rule and govern the State. All these must practise their own trade and no other, and they must be carefully and thoroughly trained for this purpose; for only so can the various tasks be well performed, and the city enjoy peace and happiness.

If we now examine this city to see what it is that makes it good we shall at once discover where justice lies. It is evidently in the nature of organised society

[1] Plato, *Republic*, Bk. II., 372.

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that what is required for its successful working is that every one should know his business and should do it.

"For at the beginning when we were founding our city the principle which we then stated should rule throughout was, I think, Justice, or at least a form of it. We stated surely, and, if you remember, have often repeated our statement, that each individual should pursue that work in this city for which his nature was most fitted, each man doing one work." [1]

If we have to decide what virtue it is which by its presence does most to make a city good, it would seem to be—

"this principle abiding in child and woman, in slave and freeman and artisan, in ruler and ruled, that each minded his own business—one man one work—and was not meddlesome." [1]

This is the principle which makes a city a good and happy state, and the citizens within it good and happy men.

We are now beginning to see some tangible result of Plato's enquiry. We see that he is, in fact, giving the lie direct to Thrasymachus' position. It is wrong to say that at the bottom of human nature there is no governing principle other than desire and self-interest. If we examine the nature of man living a full life in an organised society,—and it is only so that a man can live a full life—we find at the bottom of human nature not some inclination to pursue, not something pleasant to realise, but a task to perform, a duty to do. By the performing of this task, and by

[1] Plato, *Republic*, Bk. IV., 433.

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that alone can a man be good and find happiness ; for his true happiness must depend on that of the society in which he lives ; and it is only on this condition that a society can be successful or happy, that every member fill his allotted place and do his appointed task. This is the only road to goodness and to happiness ; only in the good State can a man be good, only in the happy State can a man be happy. All other roads are a deception and a cheat. By following them a man may gain the pleasure of the moment, the illicit gain which gives him power to satisfy immediate desires ; but sooner or later comes disillusionment and misery, for even if a man should be able to escape punishment from gods as well as from men, yet he cannot escape the results of his own action. The only way by which a man can attain peace at the last is by doing the task allotted him.

Man, then, is not merely a creature of desire. He is a being with an allotted task which must guide his actions throughout his life. For every man there is a task to perform, for every occasion there is a right thing to do, and every agent, however uncontrolled his power, however sovereign his will, must find this principle which is writ in the nature of things and follow it, or it must needs destroy him. The sovereign people of Athens itself had a task to perform and a place in the world to fill, and even Athens could not escape the results of her evil actions ; and so she fell, destroyed by the principle of justice which she had repudiated.

It is clear that in order to complete the enquiry Plato must now go on to discover what are these great principles of justice which belong to the very

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nature of things, and which men and states alike must follow if they are to be good and happy. Plato opens this enquiry by asking what should be the task of the Guardians and what form their education ought to take; but he is clearly trying to find an answer to the question, "What end ought the State to serve, and what principles ought to guide its action?" It is Plato's attempt to deal with this problem that gives its chief value to the *Republic*.

Plato sees this question as such a universal and all-embracing one—he sees himself involved in a modification and restatement of all his metaphysical views—that we shall be unable to follow him here in detail.

But his general position is clear. The principle that governs the allotting to every man his task, the principle that makes one object better than another, one action better than another; the principle that makes one action right for a man to do and another action wrong, one policy right for a nation to pursue and another policy wrong; the principle, in a word, of justice or "the Good" is part of the fundamental constitution of the universe—it is the principle that makes the world a unity. Only by keeping our eyes fixed upon the Good can we understand the universe, and only by understanding the universe can we comprehend the Good; and it is the Good shining on our judgment and guiding it through all its difficulties which shows us what it is right for us to do, and also gives us the desire and the strength to do it.

Thus the Guardians must be philosophers. There can be no rules to guide the action of states or of individuals. If a young Guardian ask for rules which shall guide his policy, show him the starry heavens

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above, teach him the infinite variety of number and of space, let him hear the glory of noble music, let him think of the problems of Truth and of Beauty, and finally let him contemplate the Form of the Good itself. Then he will no longer ask of you a rule, for he will have the knowledge which transcends all rules—the only kind of knowledge there is.

Thus there is a duty for every state and for every man to find out and to do, and only the philosopher can comprehend it. It is clear, then, that the philosopher must rule, for only he can form a true judgment of what the State must do, and it is only by doing what it is right for it to do that it can survive and be just and happy; only if it is so ruled can it fill its place in the order of nature. It will define to every man his place within it; his business will become clear to him and he will find justice and happiness in doing it. Thus in the State, and in the State alone, the spheres and duties of different men are fitted into an harmonious and complete whole. So long as every man performs his task the harmony remains, and peace and happiness reign for the State as a whole and for man, woman and child within it. Only within such an organised and intelligible whole can a man, however wise he be, see his duty clear before him; only then can he know whether his labour is of value, or is wasted.

Thus a decision in practical life can never be in the end a question of desire or of inclination; it is a question of fact—of what will succeed and what will not succeed,—and a question of value—of what is good and what is not good. And for Plato these form, in the end, the same question, and it is only

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within a State working reasonably and harmoniously that the question can be answered and the calculation made.

Thus the answer to Plato's question, "What is justice?" has proved so difficult that Plato has been forced by his line of thought into setting up the philosopher king. Only the philosopher who is specially gifted by nature and who can give his whole time to the contemplation of God and His world can understand justice, and, since without it no state can stand, the philosopher must reign. Under such government the whole problem seems to be solved. For the rulers will see to it that every one within the State is doing the task for which Nature has pre-eminently fitted him, and since he is a member of the whole, an essential part of the harmony, he will recognise that the task set him, and nothing else, is his duty and he will do it cheerfully and well. So he, too, by doing his task and by being "just," will be happy.

Naturally, then, for Plato everything must be sacrificed to the harmonious working of the State—a State working as he pictured it with every member doing his work cheerfully and well because he felt it to be peculiarly and properly his own work, and reaping the rewards here and hereafter of those who do their duty. Such a State seemed to Plato so great and so good that nothing that it might be necessary to sacrifice to it could be weighed against it in the balance; for only in a State and in a just State is justice possible for any man.

The whole problem of morality may then be put in the form—"What must a State be if it is to be

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able to act justly by its neighbours and so stand as a State, and to work harmoniously within its own borders so that all its members can find their place and their duty within it, and so be just and happy ? "

The first necessity is that every one should have his work; women, too, then, must have their place to fill. We must make the wives of our guardians take their share in war and in the other duties of guarding the city, and let them do nothing else. Only of these tasks we must assign the lighter to the women, because of the weakness of their sex. For Plato thought that though in some pursuits women tend to excel, and in others men, yet

> " there is no one of those pursuits by which the city is ordered which belongs to women as women or to men as men, but natural aptitudes are equally distributed in both kinds of creatures. Women naturally participate in all occupations and so do men, but in all women are weaker than men." [1]

The next conclusion to which Plato's doctrine of the all-importance of the State leads him does not meet with so much sympathy in the modern world as do his views about the education and occupation of women. Nevertheless, it will be seen to be equally necessitated by his general position. There can be no greater evil to a city, argues Plato, than that which rends it asunder, no greater good than that which binds it together and makes it one. Now communion in pleasure and pain binds together a city when, as far as may be, all the citizens rejoice and grieve over common gains and common losses, while,

[1] Plato, *Republic*, Bk. V., 455.

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on the other hand, it is rent asunder by individuality in these feelings, when one part of the citizens is smitten with grief and the other transported with joy over the same experiences of the city or of its inhabitants.

It would seem, then, that we must banish the words "mine" and "not-mine" from our city, except in so far as they can be pronounced by all the citizens in concert. There must be no private property. No man must have even a wife of his own or any individual family life, for so there would be set family against family, and divisions within the State where all should be of one heart and mind.

All things, then, must be held in common. Such a community we see to be characteristic of that perfect unity—the unity of the individual:

> "For consider, when any one of us hurts his finger, the whole fellowship of body and soul which is bound up into a single organism, namely that of the ruling power within it, feels the hurt and is all in pain at once—whole and part together. And so we say that the man has a pain in his finger."[1]

This is the kind of unity at which we must aim in our State.

Of course we may criticise Plato, as Aristotle criticised him, on the ground that he sacrifices the good of the individual to that of the State; but if we give full weight to his reasoning, we are forced to admit, as Aristotle was forced to admit, that only through the State can there be any good or any good life for the individual. Moreover we must remember

[1] Plato, *Republic*, Bk. V., 462.

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that Plato did not think he was sacrificing the good or the happiness of the individual; in his State every man could and naturally did perform the work and fill the place to which he was fitted by nature, and it was only in so doing, argued Plato, that he could be be good and happy. It did not seem to him to be necessary to the fulfilment of man's nature that he should possess anything which was exclusively his own.

Finally, there is one other doctrine to which Plato was led by his general view which we must consider in some detail. It is clear that there could be no room in Plato's State for Democracy. For Plato every action on the part of the State involved deep and universal problems, the solution of which required an infinitely wise judgment, a mind eternally in contact with Truth and Beauty and Goodness. What could a democracy do in the face of problems such as these? What is the value of the judgment of "the man in the street"? How is he to know what is justice and fair dealing? He cannot have knowledge for he has neither the gift of philosophy by nature, nor the time to practise it; and, as we have seen, there can be no rules to supply his want of knowledge, since knowledge cannot be put into rules. If, then, the plain man can have no knowledge but only opinion, will not every one have a different opinion? A state thus divided against itself cannot stand. In a democracy either the city will be divided against itself, or judgment will be unanimous simply because it is swayed by some universal desire or emotion of the moment—and in either case the result must be ruin.

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Plato had seen all this in the democracy of Athens —he had seen it paralysed by differences of opinion at moments when prompt and vigorous action was necessary, and at other times led on to headlong ruin by demagogues playing on its blind emotions. There seemed no place for knowledge in a democracy, and yet without knowledge neither an individual nor a state can stand. What good, then, can there be in a democracy ?

Perhaps Plato overpaints the picture. He thinks of democracy as leading inevitably to the absence of all law and order, though at first sight, he says, it appears good.

" Like a garment of many colours of every shade and variety this constitution will be variegated with every character and be most fair to look upon : and, possibly, just as women and children admire many-coloured things, so many people will judge this city the fairest of all." [1]

Yet, in reality, if we look underneath we see that there is no administration and therefore no harmony in a democracy.

" In this city there is no necessity to rule even if you are capable of ruling, or to be ruled if you do not want, or to be at war because the rest of the city is, or where the rest of the city is at peace to observe peace if you do not wish to . . . It will be, apparently a pleasant constitution, with no rulers and plenty of variety, distributing its peculiar kind of equality to equals and unequals impartially." [2]

It must be admitted that Plato's view has proved

[1] Plato, *Republic*, Bk. VIII., 557. [2] *Ibid.*

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its truth again and again—it has throughout history been the greatest problem of political development to combine a democratic form of government with an efficient and harmonious administration. If in the modern world we are prepared to sacrifice almost anything in order to secure a democratic form of government, the conclusion would seem to be that we have discovered some hidden virtue in the nature of democracy itself which Plato failed to descry. But we must not be disappointed with Plato because he did not know everything.

With Aristotle we need not deal at length, for with him it is difficult to find a definite concrete view which can be presented as a whole. He was a thinker of a different kind from Plato and seems to have been primarily interested in detail. He drew the main inspiration for his writings from the observation of what he considered to have been mistakes on the part of Plato, and as his criticisms are of the nature of a running commentary, it was natural that while he sometimes arrived at observations of great value, he should at other times fail to understand the meaning of his master. It was partly, perhaps, that he did not understand Plato's doctrine of the transcendent unity of the world as a whole, of which we have tried to give some idea in the preceding pages, and partly that he did definitely think that this view was a positive error, arising from a failure to distinguish between things that are different in kind.

For Aristotle every scientific enquiry is different in kind from every other—arithmetic is arithmetic, and politics are politics, and neither can throw any light upon the other. We must not attempt to draw

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analogies from one science to another—though of course Aristotle himself was perpetually doing so—for such a method can only lead us into error. Naturally, then, any enquiry is for Aristotle far more narrow and more isolable than it could be for Plato, who thought that a man could not have any real knowledge about arithmetic, for instance, or even about cookery, if he had not thought about the universe as a whole and contemplated the Idea of the Good. Aristotle was very impatient with the method of Plato and thought his work far too vague and mystical to have any practical value; but Plato would no doubt have looked upon Aristotle as a promising pupil still employing himself in studying the subsidiary sciences as a preliminary training before applying himself to the proper work of philosophy itself.

We shall naturally then expect to find that the political enquiry of Aristotle will take a very different form from that of Plato, and will lead to different conclusions. We can perhaps illustrate this briefly by outlining Aristotle's account of Political Justice. His method was to collect and investigate all the available facts relevant to his enquiry and to try to confine himself to drawing only such conclusions as his observations seemed to justify.

"Let us begin," he says, "by considering the common definitions of oligarchy and democracy, and what is justice oligarchical and democratical?"[1]

For he thinks that oligarchy and democracy must imply different relations between citizen and citizen,

[1] Aristotle, *Politics*, III., 9.

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and hence different views of Political Justice. "For all men cling to Justice of some kind, but their conceptions are imperfect and do not express the whole idea."

"Justice," he goes on, "is an equality." For him the problem of just dealing can always be put in the form: "How much of the good things of life ought each man to have?" So in this case he treats the problems of political life as if there were a whole sum of something to be distributed, and as if the question concerned the share to be assigned to each member. In fact, of course, the principle of distribution in any given case will depend on the conditions of association of the claimants and on the nature of the thing to be distributed, but Aristotle is not clear what either of these items is in the case of the State. He can, however, eliminate a good many wrong views and this he proceeds to do.

A state does not exist, he says, simply as an alliance for security against injustice—it is not a mere defensive alliance of the weak against the strong, for in that case all who have commercial treaties with one another would be members of one state; moreover, in the case of an alliance one state does not take care that the citizens of the other are such as they ought to be, but is merely concerned to preserve the actual terms of the treaty, whereas those who care for good government are concerned with the virtue and vice of the citizens.

Thus Aristotle is trying to discover what are the common characteristics of the states under his observation and what these common characteristics imply. He is always primarily concerned to construct

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a view which is consistent with the relevant facts and yet he seems always to have made up his mind before he starts what facts are relevant. Within the limits he has set himself Aristotle is wonderfully accurate and exhaustive in his observation and in general he seems to discover all that can be discovered from such observation alone, but the method is a pedestrian one and has obvious dangers, as well as disadvantages that become clear enough if we go to Aristotle for a philosophy of life or even for inspiration.

Nevertheless it will become clear as we proceed that the method has its value and is essential to any enquiry. It may be further inferred from this consideration, he continues, that virtue must be the serious care of a state which truly deserves the name, for without this ethical end the community becomes a mere alliance. It is clear that a state is not a mere collection of men, inhabiting a common territory and united together to prevent crime and to make possible organised exchange. These are no doubt conditions without which a state cannot exist, but all together they do not constitute the State ; for its end is the good life to which these can be no more than the means. In a word the state is the union of families and villages having for an end a perfect and self-sufficing life, by which we mean a happy and an honourable one ; though it comes into being for the sake of the maintenance of life itself, it is for the sake of the good life that it endures.

Aristotle then goes on to urge that they who contribute most to such a society have a greater share in it than those who, though they have the

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same or greater freedom or nobility of birth, are inferior to them in political virtue. In seeking to discover what kind of man contributes most to the State Aristotle again does not try to answer the question himself, but considers in turn the merits of the various claimants. Seeing that these may depend on wealth, courage, virtue or the preponderance of number, he concludes that all have a claim but none an absolute claim. All these considerations seem to show that none of the principles on which men claim to rule and to hold all other men in subjection to them are strictly right.

"To those who claim to be the masters of the State on the ground of their virtue or of their wealth, the many might fairly answer that they themselves are often better and richer than the few. I do not say individually, but collectively."[1]

It is to be noticed that Aristotle's whole enquiry is oriented by his assumption that the good to which service gives a claim, is ruling. Thus to "contribute" to the State is for him to do something which will entitle a man to rule; and so we find the crowning confusion in the doctrine that if there be found a man who himself alone excels in virtue all other members of the State, he has the right to rule and to command the obedience of the others—a doctrine which has been supposed by some to be a concession to Alexander the Great, but which is in fact a natural conclusion from Aristotle's general view.

This identification of ruling with the good depends,

[1] Aristotle, *Politics*, III., 13.

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at best, upon a hasty assumption. Aristotle never seems to have enquired what kind of rule is possible if the State is to serve an ethical end and to promote the good life for each individual within it. The truth is that, as Plato realised, the doctrine that the State serves an ethical end must necessarily modify the whole conception of rule or government; Plato thought that the only possible rule lay in so organising the State that every one should naturally do what was for the good of the whole State, because it happened to be his business, and in the perfect organisation of the perfect State the task lay ready to his hand. It may be that this is an ideal and that such a State may never be on earth, but for all that Plato seems to be aiming at the solution of a general problem which Aristotle never saw.

But though Aristotle's enquiry, taken as a whole, is thrown into confusion by his failure to raise the general issues which are fundamental to such an investigation, we must not for that reason abandon him prematurely. He is certainly a little hasty in his assumption that the problem of Political Justice is one of distribution, and further that the chief prize in that distribution is "Rule"—he should at any rate have considered the Platonic view that the good which the State has to give is something to do and not something to have, and he should certainly have enquired what he meant by "ruling" before asking who ought to rule. Yet for all this his enquiry is by no means barren, and his general view is clearly sound, that what is right is to be considered by reference, not to any past implied contract or to any standing conferred by birth or wealth, but by reference to the

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advantage of the State and the common good of the citizens.

Moreover it is hardly necessary to say that as the result of his exhaustive observation Aristotle let fall so much wisdom on particular points that his work has been the wonder of succeeding ages. At times he speaks as if he knows all that there is to be known, and says things which so nearly touch the heart of the problem that they defy criticism or improvement. To illustrate this we may refer to the marvellous passage on the authority of law which may be summarised thus :

"Absolute monarchy or the arbitrary rule of a Sovereign over all the citizens in a city which consists of equals is thought by some to be contrary to nature. It is thought to be just that among equals everyone be ruled as well as rule, and that all should have their turn. We thus arrive at law ; for an order of succession implies law. And the rule of law is preferable to that of any individual. There may indeed be cases which the law seems unable to determine, but in such cases, can a man ? He who bids the law rule may be deemed to bid God and Reason above rule, but he who bids man rule adds an element of the beast, for desire is a wild beast, and passion perverts the mind of rulers even when they are the best of men. The law is reason unaffected by desire."[1]

So far there seems no more to be said. Yet Aristotle merely treats this as one view among many, and allows it to pass with the reflection that owing to the innate wickedness of magistrates it is no better in practice than any other ; and fails to draw the con-

[1] Aristotle, *Politics*, III., 16.

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clusion that such a view of law comes nearer in principle than any other view to ensuring that the State should serve a moral purpose.

Finally there is one principle in respect of which Aristotle does mark a quite definite and important advance on Plato. He emphasised the fact that it is not the sole business of political philosophy to construct an Ideal State over which men may shake their heads in yearning in secluded speculation; and further that such an Ideal State improperly understood may cause misguided people to act wrongly in particular cases. If a man wants to know what it is just for him to do he must consider not the regulations laid down in Plato's *Republic*, for example, but the laws of his own State; for justice must depend on the nature of the State to which he belongs. Justice oligarchical is different from justice democratical and what is just may even vary in different oligarchies and in different democracies. Aristotle saw that if every man were always guided by the principle of doing what he thought it would be his duty to do if he were a member of an Ideal State, instead of doing what the law and principle of justice in his own state required of him, then civil society and therefore the moral life would be impossible. Aristotle saw that it is not only common sense, but it is in the highest and strictest sense a man's duty to do all he can for the state of which he is a member, and not incontinently to perform actions which will impede the life and development of that state, simply because it is not all that it might be.

Thus Aristotle realised that the membership of any state, however good or however bad, imposes on a

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man obligations, and therefore that we cannot tell what a man's duty is without first considering the nature of the state to which he belongs. To take an example, if Socrates lived the life he did without troubling to consider whether better institutions were likely to be raised in place of those institutions, political and religious, which by his teaching he brought into disrepute, then he was a bad man; such action would only be justified if he thought either that better institutions would immediately take their place, or that the existing order was so bad that even a state of complete anarchy would be better for mankind. It would seem that neither Socrates nor Plato raised for themselves this issue, and here Aristotle marks an important advance.

Political philosophy should consider, says Aristotle, not only what form of government is ideally best, but also what is possible. There are some who would have none but the most perfect, but for this many advantages are required, and meanwhile men must have some form of civil government. It is important for the statesman and the citizen to remember this in all their actions. "Any change of government which is to be introduced must be one which men will be both able and willing to accept, since there is quite as much trouble in the reformation of an old constitution as in the establishment of a new one." So Aristotle emphasises that in deciding what it is just to do we have to bear in mind the duty of keeping some form of constitution in action all the time. For when we depart from the rule of law we hand over the destinies of the State to the "Beast."

So while Plato showed that there is a problem for

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political organisation to solve—that is to say, the establishing of a form of organisation which moral beings can obey—Aristotle saw that mankind has never, so to say, a free hand with the problem, but that while, in his political practice, he keeps one eye on the end to be attained, he must keep the other eye on the maintenance of the ground already won. It is only by the consideration of both these principles that the problem of political justice can be solved.

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CHAPTER II

ROME: ORGANISATION AND EMPIRE

IN turning from the politics of Greece to those of Rome we are attacking a different problem and one which at first sight is more difficult. In the writings of the Roman philosophers there is little original political thought. Cicero, for example, was concerned rather to understand the Greek thinkers than with speculation of his own; while Seneca was too deeply imbued with Stoic doctrines to be able to learn the lessons which the political practice of his time might have taught him.

Yet we cannot leave Rome out of the reckoning, for she succeeded in governing the world in almost unbroken peace for four centuries, and in laying the foundations of all subsequent development of law, civil and international alike. So, in the absence of any theory, we must examine her practice if we are to discover Rome's contribution to political progress, to learn the lesson of her success and to point the moral of her fall.

In the early days of their history the Romans were too busy struggling for life itself to be able to occupy themselves with the problems of the "good life." The early history of Rome is a tale of continuous war. When we remember that the Romans were farmers and that it was with difficulty that they could tend

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their crops and fight a war at the same time, we shall understand that the ever-present fear of discomfort and even of starvation for their families prevented them from speculating in the market-place about their rights and privileges. Thus we find developing in the Roman character a natural adherence to tradition which only the most unavoidable necessity could stir to such action as might lead to political advance ; and since on the whole the governing class of these early days knew the art of yielding, the Roman people grew definitely content with the main principles of their constitution, until it gradually came about that it should never occur to them that things might be otherwise. So the steady persistence in maintaining the old order, which was always characteristic of the Romans, was in part the natural outcome of their early history. They were too busy with external problems of defence and later of expansion to contemplate any internal change except when the need was imperative ; and thus they grew to full political maturity with the principles of their primitive state firmly embedded in their character. These principles they never abandoned. There always remained among them, for instance, a strong family feeling, a strong class feeling, and, most characteristic of all, a strong patron and client feeling, which survived to the latest days of the Empire. Their natural and inbred conservatism gave an extraordinary unity to the Roman State ; it was characteristic of the Romans that during nearly three centuries of political struggling no blood was shed in civil strife.

During this period the Romans showed in general a remarkable justness of dealing in their wars. They

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were strict in their adherence to treaties and recognised that their word when once given was binding. It may be well to illustrate the severity of their moral principles by two familiar stories, which, whether or not they were true, show clearly enough what qualities the Romans were used to admire. In 278 B.C. Pyrrhus, king of Epirus, had already won two crushing victories over the Roman armies. There could be no reasonable doubt that unless he was killed or left Italy he would carry the war up to the walls of Rome and perhaps sack the city itself. One of the royal servants came to the consul Fabricius, who was in command of the Roman forces, and offered to poison his master if he were promised a reward. Fabricius at once sent him back to Pyrrhus as a prisoner, disdaining to take a mean advantage of a noble foe.

Again, less than half a century later, when the first Punic war had lasted for ten years, and Rome was practically exhausted, a large part of her field army was annihilated before Carthage, and Regulus, the Roman commander, fell into the hands of the enemy. He was despatched to Rome by the Carthaginians to convey their terms of peace, under the condition that he should return to Carthage if his efforts were unsuccessful. When he appeared before the Senate, instead of urging the acceptance of the Carthaginian offer, he insisted that Rome should reject it and continue the war, since Carthage, though apparently triumphant, was in fact no less exhausted than her opponent. He carried his point. Peace was refused, and Regulus, true to his word, returned voluntarily to meet his death by torture at the hands of his enemies.

This sense of a supreme principle governing the

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conduct of nations and individuals alike was always present in the minds of the Romans. They recognised that there was a law which must control the actions of a nation, however powerful and triumphant, and they were prepared to admit that even subject peoples had rights. So on the whole they showed clemency; they interfered as little as possible with the forms of government of the nations which they conquered and gradually extended to them privileges within the Roman commonwealth itself, and finally admitted them to citizenship.

No doubt the Romans did not make war for merely moral reasons. Of course, being practical persons, they dodged their consciences at times with quibbling arguments. But they genuinely felt, and to a great extent acted on, their principles. There is no doubt that it was largely owing to their moral principles that they won and secured the hegemony of Italy. First, they recognised that a nation should never make war "iniuria"—that is, it should never make a purely aggressive war to gratify selfish interests or desires, but only when itself or its allies had been wronged. Secondly, they were always prepared to support friends and allies in their just quarrels. Thirdly, they thought that the victor should use his right as conqueror with clemency, and should only proceed to extremities against those who had proved themselves to be inveterate and dangerous enemies.

These principles were rather inherent in the working of the Roman state than a definite doctrine propounded by philosophers or orators. As has been pointed out before, it seems very rarely to have occurred to the Romans to speculate on the general

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principles underlying conduct. Their absence of political consciousness is finally witnessed by their constitutional development. During all this period of external expansion Rome was ruled by an aristocratic government, the working of which entirely depended on the probity and patriotism of the governing class. The lower classes rather assumed that their needs would be attended to than made efforts to secure this by constitutional measures; and during the two hundred years of its greatness the Roman Senate ruled well, and this not because of any enlightened political theory, but because of the principles bred in the bone of the Roman aristocrat. While the nobles were acknowledged to have a special claim to high office and the governance of the State, the other classes had their claims no less. It was very strongly felt that the free poor ought not to be oppressed, and that life should be made tolerable for them; and it was a tradition that the State should use the public land as a fund out of which to provide from time to time for the superfluous poor. These claims were generally recognised in practice. It was always a principle governing Roman administration that the well-born and the rich should govern under the obligation of making things comfortable for the poor.

This simple, unsophisticated form of government by the Senate, which chiefly depended on the public spirit of the senators, broke down under the strain of Imperial administration. When the Romans came to rule peoples outside Italy, they did mean to apply the same principles and maintain the same homely form of government, based on the virtues of the

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governors they sent out. But the wealth and luxury of the conquered peoples were too much for the simple Roman. There was no central government under the Republic capable of controlling the provincial governors and tax-farmers, and these, "having enormous opportunities for plunder and appetites and energies strengthened by ancestral puritanism," were unable to control themselves. A different system was needed for the administration of an empire.

It was characteristic of the Romans that as a nation they never really learned this lesson. Through a century of terrible bloodshed they tried to re-establish their old form of government unchanged. Even the reformers who arose in a long succession one after another only toyed with the problem. It did not occur to them that their world empire required a completely new organisation, a new system of government. They looked back to the golden age of their forefathers and, recognising its outstanding virtues, saw in the principles of the old republicanism their only Utopia. They thought, as many men have thought in all ages, that there was no problem in the life either of the individual or of the State which could not be solved by the common sense of the plain man; and they thought that the only possibility of good government lay in the goodness of individual rulers. It was on these principles that Cicero stood in his heroic attempt to establish again a firm order of things. He called for all good men and true to rally to his standard; and he sought to set up a stable government by the balancing of the aristocracy and the upper middle class, both of whom

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must be aiming (so he thought) solely at the good of the State. For him there was no aim but the good of the State; this was the end of all ambition; and it was the proudest moment of his life when he was saluted as "father of his country." But Cicero was a "new man," and came of fresh blood; and such men were greatly outnumbered in Roman politics by the representatives of a largely degenerate aristocracy. Moreover, it was becoming clear at last that something more than a mere rude virtue was necessary for the ruling of an empire. Yet, apart from the selfish desires of some adventurers, there were no fresh ideas in Roman politics, and therefore no driving force behind movements of reform.

The time came, however, when a new form of government was forced on the people of Rome. By the labours of Julius and Augustus Cæsar the needed central government was established. It was still necessary, indeed, that the omnipotence of the central power should be shrouded under the forms of the old republicanism; there were still consuls and tribunes elected annually, and the Emperor was in principle merely the first citizen in the state; but in fact there was no appeal against the imperial power.

Henceforward we find one man swaying the world, often by his own caprice, and that caprice frequently vicious. The power of the Emperor was arbitrary even when it was most wisely employed. Yet the Roman Empire rendered greater services to the cause of liberty than the Republic had done. At home the poor enjoyed the comfort and security that they had demanded in vain of the Republic; abroad we find the blessings of the Pax Romana. Moreover, to the

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Imperial period belongs the greater part of Roman literature, and almost the entire civil law. For nearly four centuries there was very little rebellion within the Empire, and few serious wars on its borders; the municipalities were happy and contented, and the world was at peace. And meanwhile the Emperor might fiddle and Rome burn.

Wherein lies the secret? If we may believe Tacitus and Juvenal, the Imperial court often reached depths of tyranny and vice such as can hardly have been rivalled in the history of the world. Yet the nations worshipped Rome and built temples to the deified Emperors. What cared they for the private life of the Emperor? What was it to them that life was impossible for the old Roman nobility, and that all the ablest men in the capital were being cut off through the animosities and caprices of the ruler and of his favourites?

> "For forms of government let fools contest,
> Whate'er is best administered is best."

The administration of the Roman Empire was, and is, a pattern and an inspiration to the world.

In every part of the Empire, state and individual alike were given something to aim at, something to do. The state, when it first entered the Empire, was allowed to keep its own constitution, though it paid taxes; but it might hope, by good behaviour, to become a municipium, with a form of government on the Roman model and with rights and privileges granted by charter. The individual might gain honour by holding office in his own town or country, and he might in some favoured states become a full Roman

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citizen by holding the highest office in his municipality. There were also religious offices which carried social prestige, and even some recognition in Rome.

The important point about this organisation, however, was not its completeness, but the fact that it was acceptable. There was something about the Roman constitution and the Roman character which made states extremely anxious to gain a constitution on the Roman model and become "municipia," and which made individuals eager to find favour in the sight of Rome and to become Roman citizens. It is clear from inscriptions that generation after generation of hardy and able men in all parts of the world lived content to give all their energies to the struggle for these Roman honours, and died content to have gained them. And these people were happy in their generation; they were prosperous and contented and had a large measure of freedom; they were free to strive for what they wanted, and the rewards of their labours were granted and withheld with equal justice to all. It is the Roman glory that the ends which the world desired could be attained without sacrificing the organised peace and happiness of the world.

At first, no doubt, there was a darker side. The Roman system, while it provided admirable securities for the rights of citizens, allowed a savage disregard for the rights of man. The free Roman was allowed to inflict atrocious wrongs on his children, and on his dependents and slaves. Gradually, however, the broader conceptions of justice and equity which were so familiar to the generous minds of Greece gained a sway over the thoughts of men, and all was mellowed by Christianity. A general spirit of friendliness pre-

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vailed to crown the economic success and material comfort achieved by Roman organisation. Thus in the provinces under Roman rule at its best we find more than a hint of the Platonic ideal; there was a place for every state and for every man, and in general both alike fitted happily and contentedly into that place. No one need be idle; no one need be destitute. Throughout the world there prevailed a contented, old-fashioned, unprogressive village life, and, of course, the world was happy.

Evidently, then, the political theorist has much to learn from Rome. It must be his task to discover how it was that Rome succeeded in making the various nations under her sway content to fit into her form of government; for, as far as the assurance of peace and contentment is concerned, the Roman rule seems to have been as successful as any the world has seen.

It is a commonplace to suggest that the success of Rome was chiefly due to her magnificent system of law. This system provided, as it were, a solid core in the Roman commonwealth, which was permanent, reliable and intelligible. Even the brilliant and enterprising Athenians learned by experience that, in the long run, what is of most value in a government is solid virtue and reliability; so it came about that, in spite of some fickleness, they maintained Pericles in power and supported his policy right up to his death; and so it was that the dull-witted and unenterprising Nicias could command a support which Alcibiades, with all his brilliant gifts and lavish promises, could never obtain. So it was in the Roman Empire.

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In personal and private life the provincial found under Roman rule all the solidity and permanent security which he could desire. He could regard all the petty affairs of private and municipal life as secure and calculable. His life was governed not by the caprice of an emperor or even of a Roman governor, but by the justice of the law courts. When he appealed to or was led before the courts, he was certain of justice according to the law, and the law he knew. The government was giving him, in fact, the first great thing which a man demands of his government—a reasonable security and a calculable regularity in his daily affairs. In a State whose government so far succeeds in its task nearly all things are possible.

It was the law court which really stood for the Roman Government to the ordinary provincial. The Emperor and Rome were far away; yet these names no doubt inspired a certain awe, and perhaps even a certain affection, which contributed something towards maintaining loyalty. At least the emperors thought that this was so, and they tried to foster the worship of their deified predecessors, and even of themselves while yet on the throne. It would seem, moreover, that this attempt was not unsuccessful; emperor worship maintained itself for over three centuries against Christianity and Mithraism alike, and when ultimately it was combined with the former as the official religion of the Empire, it modified very considerably the religion which appeared entirely to displace it.

It was chiefly, however, by far more solid forces that loyalty was maintained. Emperors might come

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and go, but the great system of Roman law remained for ever, and offered benefits which no one would lightly throw away—benefits which, indeed, in a few generations established themselves so firmly in the hearts and minds of men that they came not even to think or dream of any other order of things. This is what Tacitus means when he says that the Roman rule "corrupted" the provincials; the Romans spread "humanitas," chiefly because the "humanitas" made the world easier to govern. But, when all is said, peaceful government is a great boon to give mankind; and the boon was in itself rendered none the less great by the fact that the Romans enjoyed governing.

In view of its political importance, it will be worth while to examine the development of the great system of Roman law. It was little more than half a century after the expulsion of the kings from Rome when the common people forced from their aristocratic rulers a definition of their political rights in a written code of laws—the celebrated code of Twelve Tables (450 B.C.). The story goes that a deputation was sent to Athens to examine the institutions of Solon in order to be in a better position to arrange and tabulate the rights of the people. But, in fact, the value of this code consisted less in any symmetrical classification or clearness of expression than in the fact that it was published. This publication modified to a remarkable extent the power of the nobles, who had hitherto been the sole expositors of the law as well as its administrators; but it had the even more important effect of giving a certain solidarity to the Roman constitution, in that the proletariat could

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now know how they stood, and the issue in political strife could always be the clear and simple one of whether or not to modify or add to the written code; thus any advantage won by the proletariat could be recorded, and could, therefore, be regarded as won for good. By this step the Romans advanced a great way towards abstracting personal animosity and party rancour from their political struggles. Without a written law, no doubt the only possible way to deal with a government a part of whose policy is obnoxious to the people at large is to extirpate the government, thus destroying the good with the bad; this method naturally involves the necessity of starting from the beginning again to deal with the problem in hand, only too often without any attempt to learn the lesson of the past failure, with the result that the new attempt is only to add one more failure. This method in politics was developed to its highest level of excellence by the Greeks, and its tragic results were finally exposed in the pages of Thucydides, where the historian offers his Reflections on Factions at Corcyra.

The Romans, on the other hand, by the publication of the code of the Twelve Tables and by the formulation of later political developments in constitutional statutes, started on a different road at the very outset. On their principles, it was only necessary to bring about a change in or an addition to the written code; the ordinary routine of the law courts would see to it that the law was kept. In this way factions, massacres and assassinations were not necessary, for any particular party or person was powerless against the constitution, and the constitution was known to

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every one. No doubt it was still possible for a political party to gain great influence by referring to the "mos maiorum" on particular issues, but this could only apply to minor points where the constitution was not clear, or to new issues or difficulties where such method, in so far as it exhorted men to learn from experience, could do nothing but good. But it would clearly have been impossible to further a political programme by "projecting into the past" the proposed policy and calling it the "constitution of Cleisthenes" or of any early reformer—a procedure which is supposed to have been achieved with some success in Athens. Constitutional struggles could be brought out into the open in Rome and fought on a clear and open issue as between the existing state of things, which was known, and the reformed state of things, which was aimed at; and the issue of the struggle could be registered in published writing with the assurance that that battle was won once and for all.

The code of the Twelve Tables was fought for and won in order to secure the position of the proletariat against their oligarchical rulers, but it had also another important effect. Coming at an early stage of Roman civilisation, it enshrined the early tribe law and custom of the primitive people of Rome before the sophisticating influence of contact with other civilisations could cause it to be changed or disbelieved in.

Thus it was saved from the fate to which unwritten law is so frequently doomed when the essence is lost and the mere trappings preserved. This the code made impossible, and, in particular, it saved the

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specifically Roman contribution to law from being swamped once and for all in the wave of intoxication of Greek free-thinking which swept over the slow minds of Rome. It protected Roman law and custom from the "spontaneous depravation and debasement of national institutions." Of this the Roman jurists were very proud, and they sought to preserve the code in all its strictness just because it was the law of their fathers, even when the times had changed or when a fresh light had been thrown on it by their acquaintance with foreign thought and jurisprudence.

Of course, this civil law was only applied to Roman citizens; from the earliest times foreigners were excluded from the jurisdiction of the civil law no less than from the constitution. This exclusion soon gave rise to difficulties, owing to the large numbers of foreign merchants and craftsmen who were always in Rome.

In the early days these non-citizen residents had, no doubt, sought protection in the hill city from the robber tribes of the surrounding country, and later, as Rome became mistress first of Italy and then of the world, their number naturally increased. The Roman lawyers had then to face the problem of settling disputes among these non-citizens who were excluded from the civil law. They solved the problem by compiling for these cases a special code, which they called the *Jus Gentium* or Law of Nations.

"All nations," says the Institutional Treatise published (A.D. 529) under the authority of the Emperor Justinian, "who are ruled by laws and customs, are

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governed partly by their own particular laws and partly by those laws which are common to all mankind. The law which a people enacts is called the civil law of that people, but that which natural reason appoints for all mankind is called the Law of Nations, because all nations use it."

The method which the Roman jurists followed in formulating this law was a simple one. They compared the national laws and customs of all the surrounding nations with which they came into contact, and selected all that they found to be common to all these codes. Thus the *Jus Gentium* did not contain any of the special characteristics of the law of any one race, but attempted to formulate the common basic principles on which rest the laws of all nations.

It must not be supposed that the Romans treated the *Jus Gentium* with any special respect. To-day, no doubt, it would be taken for granted that such a system would be superior to any national civil code as emanating from a necessarily broader outlook and excluding national prejudices and irrelevances; but this was not at all the Roman point of view. We have seen that the Romans reserved for citizens the privilege of the jurisdiction of the Roman Civil Law, and the *Jus Gentium* was compiled for such as had not this privilege. It was drawn from national laws which seemed absurdly mean and unsophisticated in the jurist's eye as compared with the Roman Civil Law, and it never occurred to the lawyer that it might be better or nobler than the various national codes from which it was extracted.

Although the *Jus Gentium* was proffered by the

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Roman lawyer with a gesture of contempt, it was none the less acceptable to the foreigner; in fact, it was in all probability more acceptable than the Roman law would have been. Furthermore, it at once put Rome in a position which no state had before enjoyed, for every one knew the law by which his disputes would be settled, and by which he would be protected or himself condemned in the event of trespass. The Athenians had no doubt meant to deal justly in their courts by foreign merchants, but they got little credit for their efforts, because the foreigner did not understand the Athenian law, and therefore tended to think himself unjustly treated. Rome avoided this by compiling the Law of Nations, and so prepared the way to make herself mistress of the world; for long before she was in a position of control she had set the standard for international dealings.

The subsequent history of the Law of Nations throws even more light on the greatness of Rome, and explains even further her success in absorbing the nations into a great world State. The time came when the study of the Law of Nations caused such a broad and ample development of Roman Civil Law that any man from any nation might with justice claim to see in the Roman law the idealised form of his own national law, and so feel that he was in no way derogating his national dignity by his proud boast, "Civis Romanus sum."

This crisis arrived, as Sir Henry Maine points out, "when the Greek theory of a Law of Nature came to be applied to the practical Roman administration of the law common to all nations."

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"After Nature," he says, "had become a household word in the mouths of the Romans, the belief gradually prevailed among the Roman lawyers that the old Jus Gentium was in fact the lost code of Nature. . . . The inference from this belief was immediate, that it was the Prætor's duty to supersede the civil law as much as possible by the edict, to revive as far as might be the institutions by which Nature had governed man in the primitive state. Of course there were many impediments to the amelioration of law by this agency. There may have been prejudices to overcome even in the legal profession itself, and Roman habits were far too tenacious to give way at once to a mere philosophical theory. The indirect methods by which the edict combated certain technical anomalies show the caution which its authors were compelled to observe, and down to the very days of Justinian there was some part of the old law which had obstinately resisted its influence. But, on the whole, the progress of the Romans in legal improvement was astonishingly rapid as soon as stimulus was applied to it by the theory of natural law. The ideas of simplification and generalisation had always been associated with the conception of Nature; simplicity, symmetry and intelligibility came therefore to be regarded as the characteristics of a good legal system, and the taste for involved language, multiplied ceremonials and useless difficulties disappeared altogether. The strong will and unusual opportunities of Justinian were needed to bring the Roman law to its existing shape, but the ground plan of the system had been sketched long before the imperial reforms were effected." [1]

This development took place, of course, through the ordinary administration and jurisdiction of the law-courts. Thus the daily life of the Empire was constructing and developing a great system, which

[1] Maine, *Ancient Law*, Ch. III.

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was independent of any person or party or of any one generation, and which might be regarded by all men as a triumph of human progress, a guarantee of peace and order which must be maintained and defended at all costs. It is not remarkable that subject peoples were anxious to take on the citizenship of this great world-wide institution of civilisation, for the old Greek adage, "The men are the city," was given the lie in the understanding of all men. Standing or falling with the Roman State was this great fabric of human learning and human experience—a good which was palpable enough for any man to recognise, since it touched him so nearly in his daily life, a system of law and international dealing which made it possible for the world to live at peace.

Thus Roman organisation brought nearly all that men could desire; but the perfect administration acted as a strong narcotic. It was based rather on the control of power than on the regulation of liberty. It succeeded because by its very greatness it made its subjects look to the State as the only aim and end of all mankind, and to the struggle to serve the State and for advancement within it as the only laudable activity of man. So many prerogatives were concentrated within the State that there was left no footing on which a man could take his stand to deny its jurisdiction or assign bounds to its activity. There was only one legislator and one authority in religion and morality no less than in politics. The conclusion was inevitable: the State claimed the use of all a man's faculties and the determination of all his duties. The most sacred

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obligations vanished before the public advantage, until in the end the State controlled the very desires of the citizen by providing him with ends to desire.

By such a sacrifice of freedom, organisation and peace were too dearly bought. By her disregard of private interests, by her suspicion and fear of private enthusiasm and enterprise, by her lack of interest in the moral welfare and improvement of the people except in so far as it obviously contributed to easy organisation, Rome destroyed the vital elements on which the prosperity of nations rests, and her empire was bound to fall before the first serious challenge.

A State cannot stand; it must either develop and grow or decline and fall. Organisation is necessary to civil life, but a State cannot survive if it is organised on the principle of suppressing everything which might make organisation difficult. Political administration must be on the basis of encouraging individual enterprise, and so creating a new task for the administrator and a new situation for him to face. The genius of the Romans lay in their power of inspiring subject peoples not to emulate the Roman constitution by political advance, but to a slavish imitation of the Roman model. So Rome killed the spirit of political inquiry and political enterprise, and the world had to pay the penalty by seven hundred years of darkness.

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CHAPTER III

THE MIDDLE AGES: THE INFLUENCE OF CHRISTIANITY

WE have seen that the Roman genius, while it succeeded in building up an empire which was a model of peaceful administration, had all the while been sapping the vital energy of the peoples under its rule. The unity of the Roman Empire entirely depended on the success of its method of organisation. This method in the end rested on a basis of the elimination of national and racial differences, and with these differences were eliminated also those special ideals and aspirations on which the vitality of peoples depends. Hence, when the inevitable challenge came, there was no force strong enough to hold together or to reunite the disintegrating fragments. A nation might have survived even the barbarian invasions of the fifth century; a mere organisation lost everything in this catastrophe. So the greatness of Rome became no more than a name, though her name and her memory proved more powerful in death than her living greatness. Her empire, with its faults and its virtues alike, proved a model to the writers and thinkers of the succeeding centuries, a model which they hardly criticised and certainly failed to transcend, though it became more and more evident that it was fatally powerless to

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assist in shaping any real development in the destinies of the new peoples of the Middle Ages.

The world had lost for ever that perfect organisation which had ensured the peace and prosperity of four centuries ; and if it was ever again to enjoy such an era, it could not be on the basis which had made possible the Roman Empire. But the success of that empire had been so evident that the peoples who had lived securely under its shadow only looked back with regret and gratitude to the comfort and prosperity they had then enjoyed. They could not know that the fall of the Empire was to mark the beginning of a new age—an age in which the peoples of the world were gradually to awaken to the knowledge that there is something more needed in social and individual life than mere organisation and the comfort and security which organisation can give. When once this was recognised, there could be no return to the old order ; there was bound to be an advance, however groping and however slow.

It is to those centuries immediately succeeding the fall of Rome, which history has relentlessly labelled as the Dark Ages, that we must look for the beginnings of a new spirit. Truly they are not years of startling historical or literary achievement. They do not contribute a definitely formulated political theory. Their revolt against the soulless efficiency of Rome takes shape in no dramatic act or utterance. They can boast no thinker of the type of Rousseau to proclaim from the housetops, " Man is born free." Yet it is an idea not far removed from that of Rousseau that underlies their thought, and in the writings of the Christian Fathers, and in the struggles

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of the Empire and Papacy, and later in the development of the Nation State, we are conscious of a striving after its realisation. The idea is a very simple one, and it is familiar throughout the whole Christian world, for it is the message of Jesus Christ. It is not surprising that Christianity should have provided the stimulus which was lacking to the Roman Empire; rather it seems at first sight surprising that it should not have saved the world from the Dark Ages before ever they began. A message such as that of St. Paul—"There is neither bond nor free, there is neither male nor female; for ye are all one in Christ Jesus"—would be expected to strike to the heart of oppressed peoples. It would naturally be their problem to find a basis of organisation compatible with this doctrine of individual freedom and of the high moral purpose of individual life preached in the New Testament.

This would no doubt have happened had the nations under the Roman Empire been sufficiently oppressed; but, perhaps unfortunately for the spiritual development of the world, the peoples did not feel themselves so oppressed. What they remembered about the Roman Empire was not so much its absence of ideas and ideals as its comfort and administrative success. Their freedom to struggle with the new problems was, therefore, hampered by their consistent attempt to solve them on the basis of the Roman model—that is, to produce a new world empire in its unity and administrative principle similar to that of Rome, but compatible with and capable of guaranteeing the new ideal of freedom.

The Christian Church made many converts, and

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eventually organised its resources so that its rulers were able to make a stand against the rival temporal authority, though naturally this latter part of its influence could only be developed slowly. Christianity showed that its faith could spread further and more swiftly than the temporal power of Rome had spread. But time was needed for an organisation with this faith for its basis to take its position in the life of the world. If we bear in mind that the spreading of the Christian faith and the growing of the power of the Church meant precisely the same thing to the mediæval Christian, and that, therefore, any repudiation of the temporal power of the Church would involve a setting back of the spreading of the faith, it will seem extraordinary not that it should have taken the passing of centuries for Christianity to become one of the vital forces in politics, but rather that the ideal of life for which Christianity stood should have succeeded in sustaining the great institution of the Papacy.

That the Christian faith had this power was due to the deep inspiration of its doctrines; but that this power, which was spiritual in origin, should have been directed to the building up and maintaining of a great temporal dominion for the Church, was due to the peculiar attitude of mind of the Christians of the Middle Ages. They never questioned their fundamental assumption that Christianity must spread as Rome had spread, and must aim at a dominion no less universal than hers. At the end of the third century A.D. the Roman Emperor regarded the Christian Church as a rebellious sect; eight centuries later the Supreme Pontiff, whose seat of power was

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Rome, humiliated the descendant of the Roman Emperors at Canossa (1077).

The Dark Ages were dark less because they were lamenting the fall of Rome than because they were nourishing the seed of those ideas which were later to shed a new light on civilisation. Remarkable as were their experiments in the field of political organisation, they succeeded rather in preparing the way for future achievement than in establishing institutions which should themselves survive. Even the Papacy itself, which has been called the "greatest institution in history," offered a contribution which was formative rather than actual. For this reason it was doomed to fall and to give way before the forces of the future, which were making not for world domination either by Pope or by Emperor, but for the triumph of national freedom. The Papacy triumphed, indeed, over the Empire at Canossa, and still dominated the world so late as the early thirteenth century, but its political pre-eminence was short-lived, and it is significant that it was overcome not by the Empire, but by the newly found nationality of France.

The period, then, from the sack of Rome to the fifteenth century, when first the Renaissance and then the Reformation gave a more decisively modern aspect to political thought, covers the story of the growth to power of the institution of the Papacy and of its rapid fall. The Papacy reached the zenith of its influence under Innocent III (Pope A.D. 1198–1216), but the ambitious schemes of Innocent IV (Pope 1243–1254) sealed its doom as a political power. He ruined the Empire, hoping that in its fall the Papacy

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would gain a larger measure of temporal power. In fact, the Empire dragged down the Papacy with it, and both alike were exposed to the growing power of France. The Papacy had arisen to stand for an ideal—the Christian ideal of individual life, which was to replace the Roman ideal of organised comfort and prosperity. So long as it was true to this ideal it dominated men's lives; but when it forsook its spiritual purpose in tampering with temporal affairs, the plain man turned away from it and looked elsewhere for the realisation of his ideal. The ideal was the same, but it was no longer expressed in the Papacy. In the Renaissance men looked to art and letters, in the Reformation to a reformed religion, and all the while they were building up nationalities of whose importance only occasional thinkers were as yet conscious, but which were inaugurating a new era. The new theory of the State began to be formulated in the crude doctrines of Machiavelli and of Hobbes, but there is no real gulf which separates Machiavelli from the mediæval thinkers, or Hobbes from Locke and Rousseau. Their doctrines are different, but they all form part of one logical development, which began with the teaching of the New Testament of the value of the individual man.

It is, then, to the mediæval interpretation of the ideal of Christian life rather than to any positive political achievement that we must look if we are to understand the attitude of the Middle Ages to politics. It was natural that so far-reaching an inspiration, derived as it was from revealed religion and providing new and divinely authoritative principles for the guidance of human life, could not be

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immediately assimilated in the actual behaviour even of individual men, still less in that of peoples. Early steps in political progress, under the influence of an inspiration so lofty, would naturally be slow and faltering; but while so little positive advance was achieved in the sphere of political practice, a new order was being created in the minds of men. If we are really to understand these centuries, we must look to the writings of their great men, bearing in mind how great an influence the New Testament was exerting on their minds. Indeed, for the early part of this era we have to draw almost entirely on the writings of St. Augustine and the Christian Fathers.

St. Augustine was born in A.D. 354, a little more than half a century before the sack of Rome put an end to the organisation which had dominated men's lives and thoughts for five centuries. It fell to him to explain the catastrophe and to attempt to lay down the principles on which was to rest the whole future of the Church. In him, then, we shall expect to find in broad outline the fundamental ideas of reconstruction from which the more specialised and particular doctrines of the Fathers were subsequently drawn; and this was indeed the case. His work is not primarily an examination of the nature of political society; rather it is the frank definition of an ideal. The distinction he draws between the divine and the earthly kingdoms, while it definitely marks off this ideal, involves a certain consideration of practical problems which illustrates the nature of early mediæval political thought. His best known work, *The City of God*, clearly marks the beginning of the new age; out of the world-wide chaos it

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proclaims the challenge of the Christian Church. Rome had fallen in the Christian era, and so he had to reply to the charge "Rome has perished in the Christian days." He showed how it is the fate of all earthly states to perish; it is only the Divine State, the City of God, which shall survive. This has its earthly manifestation in the Christian Church, which must, therefore, be conceived as higher than the earthly State.

The attitude of St. Augustine to the problems of slavery, property and government—problems which would naturally arise in a period marked both by the development of feudalism and by the growth of monarchies—turned on the distinction between the natural state of man and his life in society as it actually seemed to be. His conception of the state of Nature is directly based on the Bible story of man before the fall; God made men free and equal, and both slavery and the subjection of man to man in civil government are the result of the fall. Yet human nature is naturally sociable, says St. Augustine, and even though, as a result of sin, man has submitted to unnatural subjection, he still retains something of his natural equality, for he is fulfilling his destiny of living a social life. This destiny he fulfils by living as a member of a freer communion than the temporal State, that is, as a member of the City of God. Thus for St. Augustine, man, being by nature sinful, must submit to subjection in the temporal State, but outside those limits, and as the necessary complement of the secular life, he is also privileged to live as a free member of the great body of the Christian Church.

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Thus the problem of mediæval thought is necessarily the problem of the reconciliation of a dual principle of government. Through the fall the temporal State is necessary and must be maintained; but through his divine origin and destiny man cannot accept the temporal order as the final end of human life. Though he must through sin be a member of the earthly State and must necessarily subject himself to the duties of such membership, he is also called to be a member of the communion of saints. The problem for St. Augustine and for mediæval thinkers generally was to vindicate the possibility of performing both these duties in a harmonious and peaceful life.

The political theory of the Fathers is so far consistent that they do not shirk the consequences of their view of the State of Nature. Since government, they argue, is a divinely appointed punishment and remedy for sin, the ruler must be regarded as the representative by whose means God establishes His divine institution; he is the "Vicar of God," to whom is entrusted the task of governing mankind, and he is responsible for the fulfilment of his task to God alone. One at least of the Fathers, St. Isidore, does not hesitate logically to follow up this position by maintaining that a wicked ruler is appointed by God no less than a good one, a wicked ruler being a special punishment for sin. Lest it should be thought that this attitude did not penetrate beyond the printed page, it would be well to notice the singular attitude towards the Emperor Maurice taken up by Pope Gregory the Great (Pope A.D. 590–604), whose action is clearly in accordance with St. Isidore's view, and is further interesting because it is in such striking

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contrast to the subsequent attitude of the Papacy to the temporal power. The letters of Gregory to the Emperor do not manifest a spirit of cringing submission; obedience is rendered not through fear, but from principle. He points out to the Emperor that his order in the particular case is contrary to justice and to the interest of the Church, and requests him to withdraw it; but all the time he assures him of his obedience, since he feels that the command of a divinely instituted ruler must carry more authority than a consideration of what is in itself right or wrong in the particular case.

Gregory represents the extreme view, and carries out in his actions the theory of the Divine Right of the Temporal Sovereign which logically follows from the recognition of the divine institution of government. The consistency of the attitude of the Fathers was, however, modified by their recognition of another principle underlying the authority of the temporal power, a principle which was clearly inconsistent with a complete acceptance of the theory of Divine Right and proved to be the basis of the destruction of that theory. Whole-hearted as was their acceptance of authority as divinely instituted and, therefore, commanding unquestioned obedience, they could not refrain from including justice in their conception of the State. "Justice and beneficence," says St. Ambrose, "are the ratio of the State." Thus there is a justification of authority other than that of divine institution alone. In accepting justice as the "ratio" of the State, and hence as the justification of the authority of its government, the Fathers subjected the king not only to God, but also to the

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law. Law was to them the expression of the principle of justice; it regulated the actions of men in society and defined their rights and duties in regard to each other and to their common superior. Thus the power of the monarch was in a sense granted with one hand and taken away with the other, for, though of divine institution, he was not held to be free to deal with his subjects as he alone thought fit, since he was expressly termed king under the law. It was the law, therefore, which regulated his dealings with his subjects.

The practical development of this principle is illustrated in the rise of feudalism. The law which was prevalent in Europe in the Middle Ages was feudal in character, and for that reason proved a constant check on the power of the monarchies. This law depended for its force more on the personal relations and loyalty of the orders than on written statutes. It was largely based on custom, but had nevertheless developed a certain definiteness in its attitude to authority. It derived its authority not merely from the king, but from the counsel of the wise and from the assent of the community. In the feudal courts a vassal accused by his lord was tried by his peers. Thus the vassal was to some extent legally protected against his feudal lord, while the king or overlord seldom played any part at all in such disputes. The king was recognised as having authority over all the kingdom, but loyalty to him was only indirect, and was generally felt to be less strong than the tie which bound the vassal to his particular lord.

Thus, while the authority of kings and emperors

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was regarded as derived from God, it was also held to be subject to, and was in practice constantly checked and limited by, the accepted law and custom of the time; and it was agreed that the theory of Divine Right was only made reasonable in consideration of the moral obligation of authority to maintain justice as interpreted by that law and custom. The king who failed to recognise this duty ceased to be a king, and became a tyrant. The distinction rested on his relation to the law. The purpose of authority was to maintain justice, and consequently, if a king failed to uphold the law of the land, his subjects could claim to be absolved from their oath of allegiance. So, taking their stand on the law which they maintained to have been violated by the tyrant, advanced thinkers, like John of Salisbury, felt logically entitled to advocate tyrannicide. Clearly the admission of justice into the State had led mediæval thinkers some way from the position of the theory of Divine Right.

But this is to anticipate, for this line of development, proceeding from the view of the Fathers that justice falls within the State, tends to lead us out of the Middle Ages into modern times. It was not until the seventeenth century that the monarch's claim of Divine Right was finally subverted by the assertion of the rights and liberties of subjects under the law. The time was not yet come for the slow but permanent vindication of the sovereignty of the people, which does not decay like monarchy or empire, because it is more than an institution. In the Middle Ages the Divine Right of the Empire was submitted not to the rights of the people, but to the rival

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authority of the Papacy. It is again to the doctrines of St. Augustine that we must turn if we wish to understand the actual line of political development which culminated in the usurpation of world-wide power by the Pope of Rome.

St. Augustine alone recognised the complete incompatibility of the two views propounded by the Fathers. As we have seen, he supported the theory of Divine Right; but for that very reason he was driven to oppose the admission into the State of the principle of justice. If the authority of the sovereign be maintained to be granted directly by God, it must be maintained to be subject to the will of God alone. He emphasises the sociable nature of man, and thinks that the organisation of the State rests not on the principle of justice, but on this element of sociability alone. Thus for him the State is nothing but a "harmonious multitude of men," and does not include justice. It was not that he thought there was no justice in the world, or that it could play no part in men's lives, but that he conceived of it as outside the civil order, and so as superior, or rather as parallel, both to civil society and to its ruler, divinely instituted though he be.

Here, where he differs from his contemporaries, no less than where he voices their doctrine, it is St. Augustine who must be taken to represent the spirit of the age. He developed a logical view of authority which became the basis of the theory of the dual government of Church and State as it was variously developed in the later Middle Ages. With the conception of justice as outside the civil order there naturally arose the idea that it might find expression

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in another order. So the Church came to be looked upon as the embodiment of justice, and hence as an order which is parallel to and not included within the State. Even St. Ambrose, though he had included justice within the State, recognised that there was another and a higher justice which the Church was empowered to administer, and so that the Church had a universal kingdom and could claim jurisdiction over all Christian men.

Thus, while St. Augustine's view seems to provide a basis for this theory of the dual control of Church and State, each authority having jurisdiction within its own proper sphere, his doctrines also proved to be the inspiration for a new idea of unity which was to dominate the political thought of the Middle Ages. By excluding justice from his State, he prepared the way for the doctrine that justice was not included within the State not because it did not play a part in men's lives, but because it affected them in a way with which the State had no concern. So political thought developed from the tendency to recognise an absolute authority in the monarch, not to any theory of complete State sovereignty, but through a conception of a twofold authority to the recognition of an absolute authority indeed, but that not of a temporal monarch, but of the Pope and the Church.

The new idea of unity was drawn from the Fathers, and from the New Testament before them. The inspiration of Christianity, which had taught men to recognise their natural equality, inevitably led to the idea of a universal kingdom. "God in whom we live and move and have our being," said St. Paul; and the Middle Ages translated this into the conception of a

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kingdom embracing all mankind, whose ruler should have divinely instituted authority. We have seen how the teaching of St. Paul that civil government is a divine institution, and that consequently obedience to the State is a religious obligation, had been embodied in the early Christian theory of Divine Right. Later mediæval thinkers adopted this doctrine, but with it they combined St. Paul's complementary conception of the freedom of the Christian man—a freedom not indeed to live in anarchy, but to keep his spiritual life separate from his life in society. So, as the basis of the view which later developed into the conception of a universal kingdom as instituted by God under the government of the Pope, we have two apparently conflicting ideas: first, the idea of the autonomy of the spiritual life, and hence of the independence of the spiritual authority; and, secondly, that of the divine origin of political sovereignty.

There was no doubt another reason for the appearance of this conflict. Though faced with the problem of the place and value of the individual, which had been raised in so acute a form by the doctrines of Christianity, the thinkers of the Middle Ages naturally started from the conception of the Unity or Whole. For them always the whole is before the part, the One before the Many. Every individual part of the whole unity is itself both part and whole. Man is a whole as individual, a part as member of the universal kingdom. The fact that man is in this sense a part seemed to imply that the whole of which he is a part must really be a whole, and not merely a chance aggregate of units. Thus, since all men

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naturally belong to one whole, there must needs be one law and one government—that is to say, the kingdom to which men belong must be a universal kingdom. The recognition that there must be two separate orders, the temporal and the spiritual, only threw further back the question of the ultimate authority—for that there was such an authority the political thinkers of the Middle Ages did not doubt.

The ecclesiastical party naturally found this higher unity in the sovereignty of the spiritual power, and claimed that the Pope "held both swords." The Fathers had been saved from a complete acceptance of Divine Right by the necessity of defending the independence of the Church. For them there was a higher justice with which the State had no concern. Moreover, as we have seen, the monarch was in their view only a monarch so long as he obeyed the principles of divine justice. This justice, they claimed, it was the province of the Church to administer. So by easy stages mediæval thought proceeded from this first qualification of the absolute power of the temporal monarch to regard him as no more than an ecclesiastical office-holder.

The political views of the Fathers have been treated at some length, because it is from them that we can best draw a knowledge of the mediæval ideal of life, and, further, because they not only reflected the spirit of their own time, but provided the basis and the stimulus for the thought of the coming generations.

The ninth century was the time of a great change. The coming of the Barbarians changed the whole political aspect of the world, and the Empire of

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Charlemagne, who was crowned by the Pope in the first year of the century, superseded the Empire of the East. This new world had at first no real political philosophy; it depended for its government on a people who had triumphed through force and not through theory. As the Barbarians settled down to assimilate the civilisation they had conquered and took thought of their government, they turned to the Fathers for inspiration. They followed the Fathers in their view that all men are by nature equal; they learned that slavery and government were institutions appointed by God to remedy sin, being essentially contrary to the natural state of equality; they were prepared to grant the necessity of this government of divine origin, but the admission did not prevent them from recognising that unjust and tyrannical use of power must be checked. Thus they conceived of the ruler as bound by, and not as superior to, the laws of the nation. From these principles there can be evolved some theory which may be treated as the basis of their practice.

In the eleventh century the great conflict of Papacy and Empire really began. Already, in the beginning of this century, the two authorities overlapped each other; the Emperors played a great part in the election to the Papacy, while they recognised that they themselves must be crowned by the Pope. In A.D. 1059 the procedure of papal elections was regularised; and though the cardinals were now given a primary importance in the election, the Emperor still claimed to retain a definite function. But far more wide-reaching in its influence was the difference of view which arose regarding the appoint-

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ment of bishops. The famous Investiture Contest, concerning the claim of the temporal authority to invest a bishop with staff and ring, the emblems of his spiritual office, came to a head in 1075, and was not decided until the Settlement of Worms in 1122. Both authorities had been stirred to take a practical interest in this matter by their sense of the need for general reform in Church affairs and by their recognition of a marked increase in the abuse of simony—a system by which clerks had to pay for their abbeys and dioceses, and which was doubly disastrous in that it excluded the poor from serving the Church, and that it caused candidates to rob their churches of anything of value in order to pay for their offices.

From the earliest times the clergy and people had, as a general rule, claimed the right of election to benefices; actually, no doubt, the temporal sovereign played an influential part in the election, and certainly performed the rite of investing the elected candidate with the emblems of office. In 1075 Gregory VII issued a decree prohibiting all lay investiture. Naturally the Emperor was unwilling to give up his control over the bishops, who were always a powerful force in German politics. Writers were found to advocate the claims of both parties; those supporting the Emperor were especially urgent in their claim that the bishops' temporalities at least should be held from the prince. The outcome of the whole dispute, which continued with varying intensity for half a century, was that the Emperor Henry V surrendered all claim to "invest" with ring and staff, while the Pope agreed that all German elections should be held in the Emperor's presence,

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and, further, that bishops should receive their "regalia" from him—that is, they should hold their temporal possessions as his vassals. Thus, while the Emperor admitted that he had no claim to bestow spiritual office and authority, he retained a general control of the elections in his kingdom and was able, further, to maintain his supremacy over the bishops by his right, recognised by the Church, to give or to withhold their feudal possessions.

Thus the revolt against the interference of the temporal sovereign in the affairs of the Church was first expressed in the new papal policy with regard to investiture. But Gregory did not stop at this. Not content with denying the right of the Emperor to interfere in papal and in diocesan elections, he himself crossed from the spiritual to the temporal sphere, and claimed authority to intervene and override the authority of secular princes. Even before the beginning of his struggle with the Emperor, he had already defined his attitude to Philip of France when he claimed the power to excommunicate and to depose kings. It was from this claim that there arose the conflict of Empire and Papacy which resulted in the famous scene at Canossa, when the Emperor Henry IV stood barefoot in the snow awaiting the Pope's pardon. This humiliation involved the temporary abandonment of the Imperial claims that the Emperor was appointed by God, and was subject to the judgment of God alone, and that, with the bishops, he had the right to judge and depose the Pope. But this was not the end. In the chaotic years that ensued Henry set up an anti-Pope, and Gregory a rival Emperor, who was to acknowledge

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himself a vassal of the Papal See. These conflicts only served to distract Europe, and did not permanently benefit either party, though ultimately a working settlement was reached between Henry V and Pope Paschal II (A.D. 1110).

The history of this struggle shows clearly the lengths to which society was driven by its rigidly dualistic conception of authority. The demand for a final unity of government, which was so strongly characteristic of the Middle Ages, raises at any time problems of the greatest difficulty in regard to the rival claims of spiritual and secular life; but for the Middle Ages this problem could only be settled by an agreement between the Papacy and the Empire. Things would have been difficult had every Pope and every Emperor been perfectly good and perfectly wise; but as things were, with the claims of the Pope, however stupid or bad, was bound to stand or fall the ordinary man's claim to spiritual independence, while in the humiliation of the Emperor he saw an attempt to repudiate once and for all the necessary independence of political government. As we have seen, this attitude of mind was, in part, the fatal legacy of the Roman Empire; for the people of the Middle Ages the struggle between the two world empires, the spiritual and the temporal, was the settling of a speculative problem; it never occurred to them that it might be settled in any other way. It never occurred to them that perhaps one of those empires was standing for the guaranteeing of a right which no system of world control can guarantee, but which any such system must in the end subvert; that, in other words, the desire for spiritual independence

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requires for its satisfaction not the independence of a spiritual autocracy from the temporal power, but the independence of the individual free man to live his own spiritual life. They thought that the spreading of the Christian faith and the living of the free spiritual life could only be secured by the organisation of a spiritual world Empire. So the useless battle had to be fought to a finish, for the Middle Ages saw no other way of settling the question.

In the middle of the twelfth century John of Salisbury published his *Policriticus*, a book which may fairly be taken to represent the growing tendency to support the supremacy of the spiritual power. John was an Englishman and a bishop. Described as the "most learned gentleman of his day," he divided his time between his library and the society of eminent and cultivated Churchmen. He was on intimate terms with Adrian IV, and did not scruple to speak his mind on the faults of the Papacy, even going so far as to repeat to him the criticism that "the Holy Father himself is burdensome and scarcely to be borne." His book, the *Policriticus*, is typical of the man; it was dedicated to Becket, and, nevertheless, contains much frank advice on the needs of the Church. His general position, however, depends on the doctrine of the supremacy of the spiritual power. As the soul rules the body, he says, so the heads of religion in the State are set over the whole body politic. The first duty of the ruler is to reverence and worship God; and as the head of the body is to the soul, so the prince or head of the State must be to the priesthood. In John of Salisbury, too, we find the doctrine of the two swords,

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which plays so prominent a part in mediæval writings. Two swords, one spiritual and one temporal, were given by God to St. Peter, who, through the hands of the Pope, gives the temporal sword to the prince or ruler, who is thus instituted by, and can be judged by, the spiritual power.

It is not difficult to trace the development from this position to that of the scholastic philosophers, or schoolmen, as they were called from the part they played in mediæval education. Their theory of a temporal monarchy embodied in the papal power was a natural fruit of mediæval thought, and affords an explanation both of what had gone before and also of the reaction against papal supremacy which followed in the attempts of Dante and Pierre Dubois to vindicate the building up of a temporal world empire independent of and supreme over the spiritual power.

John of Salisbury had compared the world to the human organism, and had concluded that the prince must be ruled by the priesthood as the head is governed by the soul. The schoolmen took their stand on the doctrine of the value of the individual, a solid foundation which would carry far more weight than could such an artificial comparison. St. Thomas Aquinas (1227–1274), the greatest of the scholastic philosophers, seems to give expression to all that was best in the thought of the Middle Ages; and though he stood at the threshold of a different age, he was more truly representative of their spirit than any thinker since St. Augustine. St. Augustine, too, had been only half a product of the Middle Ages, for he had combined with the new Christianity something of

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the spirit of the ancients, leaving the succeeding generations to absorb what he had preserved. So, also, St. Thomas Aquinas, for all his genuinely mediæval characteristics, was not altogether alien to the spirit of the Renaissance and the Reformation. While the fourteenth century was the time of the birth and chaotic growth of new forces and new ideas, the thirteenth supplied a breathing space in which men were able to look back on the past and take stock of its achievement without being exercised as to the immediate future. So St. Thomas Aquinas looked back on the achievement of the past and saw before his eyes the established power of the papal monarchy. Recognising its existence as a fact, he tried to justify it by emphasising the part it played in the development of the individual.

The fundamental doctrine of St. Thomas and of the schoolmen was that the individual alone has ultimate value, and that therefore the State comes into being and must continue to exist for the good of the individual life of its members. Side by side with this view of the value of the individual, there was in him a strong sense of the prevailing mediæval passion for unity; he asserts that God is the ultimate authority, since in Him all things are one. This leads him into a somewhat paradoxical position in that he advocates, on the one hand, democracy, and on the other the absolute authority of the Pope. The government, he says, of any State is with God, Who alone can direct all things for the sake of each man's virtuous life, which is the end of the State. From God the authority passes to the whole group of men which is the State, and they dispose it in the hands

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of one, or of a few, or of the many; whatever the form of government, it is the people who are sovereign under God.

Thus in temporal matters Aquinas recognises the right of the individual to a share in directing the government of his State in the interests of the good life of himself and of his fellow citizens. In spiritual matters, on the other hand, the individual must, he says, submit himself wholly to God; for man belongs to two orders, seeking in the one a natural and in the other a supernatural end. While in the order of nature God, as it were, delegates to man the authority to regulate the State in the interests of the good life, in the spiritual order He submits man to the supreme jurisdiction of the Pope, who is His representative on earth. So, from his doctrine of the value of the individual, St. Thomas seems to be assigning a divine origin to democracy; but in the end this apparently liberal doctrine only proves in his hands a weapon for the repudiation of any empire which might rival the Papacy, and so binds even more closely the supremacy, or rather the almost irresponsible autocracy, of the spiritual power.

The same principles, however, which led St. Thomas Aquinas and others of the ecclesiastical party to establish the Papacy as the dominating force in politics were capable of supporting a different construction. It is from the same source, namely the emphasis on the value of the individual, that Dante, in his *De Monarchia* (published between 1310 and 1313), derived the opposite conception of a temporal world-empire. Dante thought that the individual's primary need was peace, because it was peace that

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enabled the human mind to perform what he conceived its proper function to be, that is to say, to use its discursive intellect. It seemed to him, therefore, that the ideal constitution of society would be that which most surely guaranteed that peace. His characteristically mediæval mind concluded that it was unity which was necessary to this end, and that, therefore, mankind must be united into a single State. All human beings had, he argued, a common end, since it was peace they all desired, and the peace of each could only be secured by the harmony of all. Thus we are led to Dante's view of the necessity of a universal kingdom under the supreme and all-controlling power of a monarch. In spite of his advocacy of such a constitution, Dante seems to have confined his reverence to the ideal monarch, and showed scant respect for such mortal men as had, in fact, held such a position in the actual order of things; he certainly does not allot to kings the places of honour in his *Divine Comedy*. Yet, although his ideal monarch is not a picture of an actual ruler, it is difficult not to feel that his ideal world-empire admits a particular application prophetically to Italy and historically to Rome. In his great work, the *Divine Comedy*, Virgil was the companion of his wanderings through Hell and Purgatory, and it is not unlikely that he would enliven the more tedious parts of the journey with discourses on "the splendour that was Rome." At any rate, it seems to have been through Virgil that Dante turned to Rome for inspiration and found in the Roman Empire an example of the possibility of a world-peace. There he found a firm rock on the

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memory of which he could lean amid those wars of the Middle Ages which were reaching their height of confusion and intensity in his time—for him the Roman Empire stood for peace, and it is not surprising that it should have been taken as a model for a possible reconstruction of Europe. So Dante turns to the temporal power for salvation; he makes light of the arguments for papal supremacy and relegates the functions of the High Pontiff to the supernatural sphere. This, then, was Dante's view of the relation of the two powers: the Empire exists to help man to attain his earthly end in a universal peace, while the Pope leads him to eternal life.

It was world-peace, too, that was the ostensible purpose in the theory of Pierre Dubois (1250–1312), the champion of the principle of nationality newly discovered in the monarchy of France. Dante's *De Monarchia* was the last attempt to advocate a world-empire on the old model. In the fourteenth century the nationalist spirit rose to prominence, and for a brief space the two ideals existed side by side. This century was an age of transition, and Pierre Dubois was typical of the age. His political theory is a strange complex of the mediæval and of the modern; for, while retaining the old ideal of unity, and hence of a world-empire, he rejects both the Papal and the Imperial interpretations of its meaning, and substitutes the conception of a national king. That peace which had been the end of the theories both of St. Thomas Aquinas and of Dante was, in his view, to be secured by the domination of France. The reasons he alleges for the necessity of French supremacy are unconvincing to the modern mind;

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although most nationalist adventures in pursuit of empire do, in fact, start from the same insecure basis, namely, a national or personal conviction that the particular people or the particular king are supremely destined by God to rule the world. Pierre Dubois, like Dante, attributed the origin of the State to the common needs of mankind, and especially to their need for peace. Again, like Dante, he thought that this peace was to be secured by a universal kingdom; but he fuses a modern conception with this mediæval doctrine when he sees in the national kingdom of France the future mistress of Europe.

The rise of French supremacy involved the destruction of the temporal power of the Pope. The Empire had gone under in the long struggle with the Church, and the time was now come for the Church herself to yield to a new enemy. The subjection of the Papacy to France was remarkably swift. In A.D. 1300 Boniface VIII had challenged the authority of all secular governments by his proud boast, "I am Cæsar, I am Emperor." In 1305 the French king had secured the appointment of a French Pope, and established him at Avignon; and the Papacy was exiled from Rome. So Pierre Dubois was speaking with a knowledge of the facts when he inveighed against the temporal power of the Papacy; it had stood in the way of the aggression of France, and the French king had swept it from his path; and Pierre approved the act.

The extreme swing of the pendulum away from the doctrine of ecclesiastical supremacy came with Marsilius of Padua, whose famous work, the *Defensor Pacis*, appeared in 1324. It was only ten

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years later than the *De Monarchia*, and deals largely with the same problems, but the difference in the solutions suggested represents more than a decade's growth, for it amounts to a complete change of attitude. Marsilius' condemnation of the Church, indeed, has little to distinguish it from the attacks of Dante and of Pierre Dubois, and it was this point which chiefly attracted the attention of contemporaries. But his substitution of the sovereignty of the peoples of the world for that of monarchy stamps him as a political thinker of a new type. Again we meet the view that the origin of political society lies in a general recognition of common needs; again we find security emphasised as pre-eminent among these needs; but from the first a new feature is present in the insistence that "this security is but the means to man's higher well-being." Marsilius thinks in terms not of right and wrong, but of needs which must be satisfied as a preliminary means to this ethical end when he asserts that laws are necessary to regulate men who are by nature perverse. So, in order that men may live together peaceably and be enabled to pursue their well-being, they must be under a government which will assign to each his function. Thus in the theory of Marsilius, as in the practice of Imperial Rome, we find some return to the doctrine of Plato, that that state is just where every man has a task to do, and does it well. For Marsilius, however, there is one class of men in society, namely the priests, who seem to perform no necessary function, except in so far as they may help to police mankind by the dread they inspire of the punishments of hell. In spite of his claim to rest his view on the Scriptures,

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he was blinded to the spiritual function of the priests by his hatred of their temporal power. He was convinced that the Church was the most dangerous enemy of that security for whose sake men formed societies and submitted to government; and so he was led to try to establish in his argument points which would represent the Church as insignificant in comparison with the State. He particularly emphasised the view that the clergy have no title to property, and asserted that the Pope's view that "the clergy were the Church" rested on an error, since the Church was in reality the "universitas fidelium," or "whole congregation of Christians."

Thus Marsilius appears as a forerunner of Luther in his opposition to the Papacy. In this respect, however, he was but voicing the general feeling of his time. His real contribution to political theory lay less in his condemnation of the power of the Church than in a constructive plan for the organisation of society. His revival of the Platonic conception, together with his assertion of the sovereignty of the people, show that he was preparing the way for the development of a non-mediæval view of society. And, indeed, when Marsilius wrote, the Middle Ages were already giving way to the new era. During the fourteenth century men passed from a mediæval to a modern world, and the change was marked by a revival in the arts and by the Reformation in religion. The humiliation of the Papacy before France and the Avignon captivity finally opened the eyes of men to behold what had long been a fact—the inadequacy of the Papacy alone to supply them with an ideal which should wholly guide and inspire

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their lives. So men turned away from the Papacy and looked first to art and letters, and later to a reformed religion, for the expression of their ideal of life. Neither Renaissance nor Reformation of itself supplied men's needs, but it was only through them that an advance was possible towards a conception of society which might, with better reason, dominate men's minds in the future, as the Papacy had dominated them in the Middle Ages.

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CHAPTER IV

THE REFORMATION: HOBBES AND THE DIVINE RIGHT OF KINGS

WITH Machiavelli (1469–1527) we are at the beginning of a new age. In the past centuries society had set itself an ideal of life which it had been unable to fulfil; and now at last both the ideal and the partial achievement which had been secured were alike disregarded by a new doctrine, which claimed a hearing because it was based on fact. Machiavelli sought to construct his view on an analysis of the actual practice of the princes of his time. The regulations of society had long ceased to attempt even to approximate to the ideal which Christianity had set before Governments, and the separation between ethics and politics, which had been emphasised by Aristotle but repudiated by the Christian element in mediæval thought, was now restored. It fell to Machiavelli to restore it in theory as the princes of Italy had restored it in practice.

His real position in writing his great work, *The Prince*, is open to various interpretations. Rousseau describes it as the "Republican's manual"; but whether or no Machiavelli was a democrat at heart and meant to propound, not a defence, but a "reductio ad absurdum," of the principle of monarchy, it cannot be denied that in his writings he stands

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forth as the wholehearted advocate of the most atrocious tyranny. His choice of a hero is significant. After relating the deeds by which Cæsar Borgia rose to a position of pre-eminence in Italy, he concludes :

"Taking all his actions together I can find no fault with him ; nay it seems to me reasonable to put him forward as I have done as a pattern for all such as rise to power by good fortune and the help of others. For with his great spirit and high aims he could not act otherwise than he did, and nothing but the shortness of his father's life and his own illness prevented the success of his designs." [1]

If it be remembered that Cæsar Borgia was the son of Pope Alexander VI., and used his father's position as spiritual head of Christendom to further designs for his own temporal aggrandisement, it becomes clear that justice and the rights of peoples did not enter into Machiavelli's calculations. The adventurer who overran Italy to carve out a principality for himself in defiance of the wishes both of the people and of their legitimate rulers may be an example of the success of unscrupulous recklessness, but he can hardly be held up as a model to princes who would live at peace with their subjects and with the world.

The importance of Machiavelli for us is that he gives a cool, dispassionate judgment on the politics of the Middle Ages. It was his professed intention, as it was no doubt temperamentally a delight to him, "to call a spade a spade." It seemed to him better, as he said, "to follow the real truth of things than an imaginary view of them." He had

[1] Machiavelli, *The Prince*, Chap. vii.

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as data for his analysis a long experience of political life which in width and variety was second to that of no man of his age. It was the cool judgment of this man that in politics success comes to the unjust rather than to the just;

"the manner in which we live and that in which we ought to live are things so wide asunder that he who quits the one to betake himself to the other is more likely to destroy than to save himself, since anyone who would act up to a perfect standard of goodness in everything must be ruined among so many who are not good. It is essential, therefore, for a prince who wishes to maintain his position to have learned how to be other than good, and to use or not use goodness as necessity requires." [1]

Now it must be remembered that this was written by a man who was for many years secretary to the Council in the Republic of Florence; who during that period executed many and various missions for his native state and was always credited with an intense patriotism. Though he lived in an unscrupulous and self-seeking age, there is no evidence that the confidence which the Republic of Florence reposed in him was ever withdrawn, or ever even wavered. Machiavelli was in all his political life an intense patriot, and he was in constant contact with other Florentine patriots. If we believe, as surely we must, that the doctrines of *The Prince* really represent his considered view, our conclusion must be that he thought not that there are in mankind no finer feelings than base self-seeking, but rather that as a ruler and a patriot no man can afford to show

[1] Machiavelli, *The Prince*, Chap. xv.

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finer feelings—indeed, he has no right to show them. Only so can a ruler maintain the position of his state as against other states; foul dealing may well be his duty as a ruler. "It is essential," he says—and we may be allowed to repeat the quotation—"for a prince who wishes to maintain his position to have learned how to be other than good, and to use or not use goodness as necessity requires." Any one who reads the history of the Middle Ages in the light of this doctrine will easily understand that a patriotic thinker might well cry out in some such words as these: "Let a prince abandon high-sounding ideals of religious duty, and let him do something which will really improve the condition of his people or increase the majesty of his state; if he does this it will easily be forgiven him that the means he uses are in themselves difficult to justify." Read in this way, Machiavelli is seen to have made an honest attempt to offer a solution of the political problem, and, given the conditions under which the world was then living, his solution would no doubt appear the only practicable one.

This position could not, however, long remain unchallenged. It might be true that a prince could only secure the prosperity and dignity of his kingdom by obeying the principles of Machiavelli, and it might well be true that any honest, well-meaning prince who had at heart the interests of his people must recognise, if he ever thought for himself, that he must adopt such principles in his action. But Machiavelli's book, by painting the society of the Renaissance in its true colours, showed the world that, however little an individual prince might be to blame, there must

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be something wrong with the world system which made such things necessary. So it was possible for the simple judgments of a plain moralist, such as Luther, to cut like a knife through the elaborate conclusions of Machiavelli's closely reasoned argument. A system so rotten at the core must be swept away. Luther could not wait to be taught that authority must sometimes depart from the dictates of ordinary morality if political society is to be maintained. The Machiavellian prince might argue that, though it might be wrong for the ruler to do this particular thing, it would be a greater wrong for him to risk the fall of the authority and the kingdom for which he stood in order to satisfy his own personal conscience; against such ingenious ratiocination Luther stood like a rock—his position did not admit of being moved by argument. "Here I stand, I can no other, so help me God." This simple challenge to the whole world system of civil and ecclesiastical authority was able to stir emotions which were to move Europe more profoundly than could any intellectual conviction. Perhaps we may be allowed to pause for a moment on our way and enjoy the significant drama in more detail.

In 1517 A.D., Tetsel appeared in Wittenberg to sell indulgences to replenish the coffers of the Papal See. By an extension of the interpretation of the command given to St. Peter—"I will give unto thee the keys of Hell and of Death"—the Pope had assumed the authority to forgive sins: this came to mean that the agents of the Pope sold at a price certificates proclaiming the forgiveness through the Holy Father of particular specified sins, and this Tetsel and his

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crew came to do in Germany, in 1517. On October 31st of that year Luther nailed to the door of the University Church in Wittenberg, his *Ninety-five Theses against Indulgences*. Yet Luther did not fully realise till four years later that his position would inevitably involve him in rebellion against the Church.

At last, however, he stood out firmly for the principle of "the Freedom of the Christian man." Religious life, he thought, concerns only a man and his Maker: the Christian can admit of no earthly authority in spiritual things. He saw that a man always is and must always be responsible for his every action, no matter at whose command he does it: just as a man must choose for himself in matters where authority does not decide for him, so also must he choose for himself when authority does so decide—he has to choose whether or not to obey authority, and nothing can relieve him of the responsibility of that choice. This was a new way of looking at authority, and it opened a new era in political thought.

Gradually, as the doctrines of the Reformation spread, men came to see more and more clearly that they need not, indeed that they ought not, blindly to accept the form of authority under which they were placed, whether it were secular or spiritual. So in political theory men at last began to ask the question, "Ought we or ought we not to obey the State?" And naturally enough and rightly enough they tried to answer this question by first solving the question, "Why, in fact, do we obey the State?" This is the question that faced both Hobbes and

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Rousseau. Hobbes facing the constitution of England of his time, asked himself the question, "Ought I as a free Englishman to obey this sovereign?" and the answer he found in his heart was "Yes, I ought." He then put to himself the question, "How can it be that I as a free man ought to obey a despot?" and his political theory represents his attempt to find the answer—the attempt to explain how, in fact, free men do come to obey, and rightly to obey, despotic monarchs.

Thomas Hobbes of Malmesbury (1588–1679), from whom English political philosophy may be said to take its rise, wrote his first political work *The Elements of Law Natural and Politic* in 1640. In this book, which was only circulated privately in manuscript, Hobbes sketched out the position which he later fully elaborated in his great work, *The Leviathan* (1651). He seems to have united in himself a bold independence of opinion with a remarkable timidity of character; and in view of the latter quality the genuine originality of his thought proved a source of great inconvenience to him, since none of the political parties of his time seem to have seen its implications sufficiently clearly to be able to define their position with regard to it. Thus on the appearance of *The Elements of Law Natural and Politic*, Hobbes fled to the Continent through fear of Parliament, while after the Restoration the charge was brought against him that his book was "writ in defence of Oliver's title." The truth is that Hobbes honestly worked out his theory from first principles, with the result that it coincided with the doctrine neither of the Royalists nor of the Parlia-

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mentarians. As we shall see, Hobbes really cared little whether sovereignty rested with king or with Parliament (though, no doubt, he thought monarchy was the simplest form of government), provided only that the principle be admitted that, with whomsoever it rests, sovereignty must remain indivisible and inalienable.

Hobbes starts his political inquiry with an analysis of human nature. He maintains that the actions of men always are, and are bound to be, based on wants and desires. Those wants and desires are not in themselves either good or bad; they are just facts, part of the fundamental nature of human life and human activity. Without some want or desire to move a man in the first instance, there would be no such thing as action; and however it comes to be that actions may be in themselves good or bad, certainly no such distinction can be made among these elemental wants and desires. "The desires and passions of men," he says, "are in themselves no sin; no more are their actions, till they know a law which forbids them." [1]

This view of human nature, which seems to contain within it much which is essentially sound, Hobbes presents in a very misleading way. He appears sometimes to have thought that once upon a time there really were men living in this state of simply having desires and satisfying them, and with no inclination or necessity to think of anything but their own desires; living, as it were, "from hand to mouth," and having in their minds no consciousness which might affect their action, but merely the

[1] Hobbes, *Leviathan*, Ch. xiii.

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appetite of the moment. In this state every man is thought of as acting just as it pleases him and never finding in his experience any reason for not doing anything which amuses him. This state of man Hobbes calls the State of Nature. It is like the conception of man before the Fall—man who knows not good from evil because he lives in a world where there is no evil, and therefore no good.

For Hobbes, however, the absence of a consciousness of good and evil did not mean that man was happy. All men, as he saw, are equally entitled to satisfy their own desires without feeling the necessity of any constraint upon such satisfaction. Men are, moreover, endowed in equal measure with "strength, prudence and wisdom"; and "from this equality of ability there ariseth equality of hope in the attaining of our ends."[1] This leads to that enmity between man and man which necessarily makes of the State of Nature a State of War. The picture which Hobbes draws of this State of War is black indeed.

"Whatsoever is consequent," he says, "to a time of war, where every man is enemy to every man, the same is consequent to the time wherein men live without other security than what their own strength and their own invention shall furnish them withal. In such a condition there is no place for industry because the fruit thereof is uncertain, and consequently no culture of the earth, no navigation nor use of the commodities that may be imported by sea, no commodious buildings, no instruments of moving and removing such things as require much force, no knowledge of the face of the earth; no

[1] Hobbes, *Leviathan*, Ch. xiii.

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account of time, no arts, no letters, no society, and which is worst of all, continual fear and danger of violent death, and the life of man solitary, poor, nasty, brutish and short." [1]

This, according to Hobbes, is the natural state of mankind. From this wretched lot it is the task of civil society to rescue men once and for all; and it is because civil society is all the time preserving them from this State of Nature, into which they would always be slipping back if it were not for that "mortal god," the State, that the sovereign can rightly claim from all subjects an absolute obedience. If we are to understand Hobbes' theory of the State, we must realise that he was always emphasising the power of this great force in human nature which is ever tending towards disorder and the State of Nature, and whose fell influence can only be checked by an all-powerful, absolutely sovereign State organisation.

To say that this disorderly force was regarded as being the element of wickedness in man would be to misrepresent Hobbes and to neglect the most valuable element in his doctrine. No doubt he sometimes speaks as if he thought the problem was caused by the wickedness of man; perhaps he sometimes thought himself that the selfish evil-doer was the most potent enemy of law and order; and he points out that in maintaining such a view he would only be logically carrying out the views of the ordinary householder, who locks his chests every night and carries arms when he goes abroad. But the careful reader of *The Leviathan* will detect that there is

[1] Hobbes, *Leviathan*, Ch. xiii.

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something deeper in Hobbes' view than this. Hobbes does not merely say that in the absence of a constraining power men act from selfish desire; he adds that there is no reason why they should not do so: in the absence of a legislating and coercive authority there is no justice and no injustice. Hobbes seems, in fact, to be maintaining that an analysis of human nature shows that there is, quite apart from the badness of mankind, a real problem for civil society to solve—the problem, that is to say, of making it possible for man to live a rational and orderly life, distinguishable from that of the beasts. He thinks that without civil society such a life would be impossible, however good men were by nature; the arrangement of life so that every man can pursue his own purposes without making it impossible for other men to pursue theirs demands more than goodness and benevolence in the individual; it demands the institution of civil government, that is to say, it demands the co-operation of man with man.

If we are to be in a position to estimate the truth of this conclusion, we must first examine more closely the analysis of human nature. Hobbes concluded, as we saw, that there can be no morality and no consciousness of obligation prior to the existence of law and government. Until there is a law, all actions are equally good and right; whether a man kills a sheep for his supper or kills his brother in a moment of anger, there is no distinction of goodness or badness between the actions, since there is as yet no law which forbids either action. Clearly there is a certain truth in this view.

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It is no doubt difficult now for us to make up our minds on so abstract a point as this, since we know that man never did and never could live in any such State of Nature, free from and unaware of any principles constraining his action. After all, every man is necessarily born into a family, and we know that even in the most primitive societies the family fits into its place in some larger group, and that these groups are ruled by rigid customs, which are as readily obeyed as are the laws in a more fully-developed society. But though the question is thus an abstract one, we may not altogether avoid it in this way; and we may perhaps throw light upon the difficulty by comparing the Bible account of primitive man with that of Hobbes. In the Bible version it may no doubt be urged that Cain was not conscious of doing anything wrong in raising his hand to strike his brother, but at any rate, when he realised that he had killed him, he was ashamed. He seems to have recognised that he had done wrong without waiting to be told. There seems, then, to have been in his consciousness something which was not a desire or a passion; it was not merely that Cain wanted to have his brother alive again, not merely that he thought it stupid to have killed him. He knew that it was wrong, and his defence, "Am I my brother's keeper?" showed a very definitive understanding of moral principles.

This account seems to be based upon a truer psychology than that underlying Hobbes' view. Clearly, if he were right, it would never have occurred to any man to think of himself as his brother's keeper. Hobbes saw, indeed, that, as soon as men come to

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live together, reason becomes operative in their actions as well as the desire of the moment; but he assumes that man is the same creature throughout, and that the appearance of reason makes no difference—that he still acts from desire, while his reason just serves to make him more competent to satisfy his desire. In this Hobbes seems to have been wrong. The truth surely is that, when man comes to think, he necessarily feels ashamed or proud of himself; if once he reflects on his action, he must think of it as either good or bad.

It would seem, then, that in so far as Hobbes maintained that there could be no recognition of right and wrong and no consciousness of obligation independently of the existence of civil government it is impossible to agree with him. But although we may urge that the individual may do good actions independently of society, we must yet admit that this capacity for moral action can never in itself ensure that men may live together in peace and security; the institution of civil society is still required for this purpose, and, as Hobbes saw, it represents the only means of bringing about such law and order. The desires of different people are no more likely to fit naturally into a harmony when those desires are good than when those desires are bad; and, as history shows, there have been no more inveterate quarrels than such as arise between men whose conceptions of duty differ. To prove that man has a conscience and that his conscience can affect his action is not to prove that men will live in harmony. Such harmony can only be produced by some form of co-operation under a civil government.

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The incalculability of the life of mankind in so far as it is not controlled by authority depends not on the wickedness of man, but on the fact that he is free. Yet man can only use his freedom or obey his conscience under a system where the conditions of action are to some extent calculable. As Hobbes urges, in the State of Nature the best and wisest of men is necessarily helpless, since he knows that obedience to the higher principle within him can bring about nothing but his own destruction; and no man can really will his own destruction nor feel it to be his duty to do so. Thus it seems to be true that, without some form of civil government, morality is impossible.

Thus whenever we notice—as we are bound to do again and again as we proceed—Hobbes' apparently excessive fear of the tendency of mankind to lapse into the State of Nature, we must not mislead ourselves by thinking that this is simply due to an over estimate of the wickedness of mankind; it is, in fact, to be attributed in a much larger degree to Hobbes' recognition that, if once the organised control of human affairs is allowed to slacken, the clashing of individual wills grows steadily and irrevocably, and produces results which could not have been foreseen—and the whole society is drawn irresistibly into an anarchic disorder which it cannot control. Though every man appears to be acting freely, yet the resultant of all these free actions is the appearance of certain determined tendencies before which the individual is powerless. It is to deal with this problem that civil society came into being, as men gradually came to realise that by co-operation they

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could achieve a mastery over this natural anarchy. In this sense there is no possibility of free action and no possibility of just action except under a civil society.

The founding of society by means of a contract involves, indeed, the recognition not only that there was a condition of man prior to society, but also that in that condition men enjoyed something which they relinquished on entering the society. Thus Hobbes recognises that even in the primitive natural state there are, in some sense, "laws of nature," and that man has corresponding rights. But there is no feeling of obligation connected with these laws, and this "right of nature," the gift with which man is endowed at birth, is simply "the liberty each man hath to preserve his own life."[1] If self-preservation is the sole natural end of man, then all the regulations of conduct which he employs to secure that end are, as Hobbes says, "general rules found out by reason, by which a man is forbidden to do that which is destructive of life." [1]

The first of these rules or "laws of nature" is to "seek peace and follow it," for it is through peace that men can best preserve their lives. This desire for peace impels men to unite according to Hobbes' second law, which lays down that men shall relinquish their right to all things "which, being retained, hinder the peace of mankind." Here, again, it is quite clear that this rule is regarded as in no sense a moral law, for Hobbes makes it quite clear that, on his view, society is formed by a voluntary act. Man

[1] Hobbes, *Leviathan*, Ch. xiv.

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gives up deliberately his natural right to use his own judgment in the exercise of his power to preserve his own life in order to secure some advantage to himself. This advantage lies in the fact that others likewise give up their rights, and that the sovereign to whom all alike have submitted will guarantee their security. Finally, there is another law of nature to which Hobbes appeals in order to emphasise the binding nature of the covenant—the law that "men perform their covenants made." This law, again, is a "general rule found out by reason," without which it is impossible to gain that "peace and security of life" which is regarded as man's highest good.

Man is thus induced to make the social contract by obedience to these "laws of nature" or "rules of reason." But Hobbes hastens to assure us that we must not suppose that men consent in the observation of justice and in the maintenance of the covenant without a common power to keep them in awe; for then "there neither would be any need to be any civil government or commonwealth at all, because there would be peace without subjection." [1] A condition of peace for mankind can only be secured by the institution of a supreme coercive power—by the absolute and forcible subjection of the many to the sovereign, to whom they have transferred their rights. Since the existence of society depended on the maintenance of this supreme, irresistible power in the hands of the sovereign, it was clear that sovereignty must be regarded as inalienable, for it was essential

[1] Hobbes, *Leviathan*, Ch. xvii.

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to civil government that there should be no power in the State strong enough to gainsay the sovereign; therefore, sovereignty could never be transferred.

For this reason, Hobbes was led to maintain that the covenant was final and irrevocable. The only way, he says, for men to erect such a common power as may be able to defend them is to confer all their power and strength upon one man or one assembly of men. This is—

"more than consent or concord; it is a real unity of them all in one and the same person . . . who by this authority given him by every particular man in the commonwealth hath the use of so much power and strength conferred on him that by terror thereof he is able to perform the wills of them all to peace at home and mutual aid against their enemies abroad." [1]

From this institution of a commonwealth are derived "all those rights and faculties of him on whom sovereignty is conferred by the people assembled"; and when once this conferring of power is agreed to, it is final and cannot be revoked. If the people seek to remove the sovereignty from him whom they had endowed with it, they thereby return to the State of Nature, and lose all the benefits which society had been instituted to guarantee. In attacking the sovereign they attack the society, for sovereignty was granted once and for all, and not given by covenant with the sovereign, nor, as Hobbes says, "on condition." The covenant that was made at the institution of society was one between subject and subject; between subject and sovereign there could

[1] Hobbes, *Leviathan*, Ch. xvii.

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be no covenant, since the sovereign must rely for his authority upon force, and not on any covenant, "which, being but words and breath, has no force to oblige, contain or constrain but what it has from the public sword, that is, from the united hands of that man or assembly of men that hath the sovereignty." [1]

Thus the sovereign has absolute power and absolute authority, and can, as far as his subjects are concerned, use his power for whatever end he thinks fit, and will therein commit no injustice. For all men are held to be the author of that which the sovereign does, and cannot, therefore, blame him or seek to punish him or put him to death. There is, besides, annexed to the sovereignty an absolute right, and indeed a duty, to maintain undisputed authority over all his subjects; he has the power to judge them, to call them out to war, to choose his ministers, and to reward and punish. "These," says Hobbes, "are the rights which make the essence of sovereignty, and are the marks whereby a man may discern in what man the sovereign power resideth, for these are incommunicable and inseparable." [2] So the sovereign can do his subjects no wrong; he is responsible for his actions to God alone. "He that doth anything by authority of another," Hobbes says, "doth therein no injury to him by whose authority he acteth." And again, "It is true that they that have sovereign power may commit iniquity, but not injustice or injury in the proper signification." [2]

Hobbes, then, while he made the upholders of

[1] Hobbes, *Leviathan*, Ch. xviii. [2] *Ibid.*

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Divine Right his enemies by his curious view of the secular origin of political authority and his refusal to regard the lawful claims of the monarch as relevant, held a theory which was in other respects identical with the Royalist doctrine. He may be said to have upheld a doctrine of the "Divine Right of any Government which can, in fact, command obedience." While he always inclined toward monarchy as the most convenient and simplest form of government, he was, in fact, attacking neither King nor Parliament, but rather the division of power between the two; such division of the sovereign power he saw to be incompatible with the maintenance of civil society. Sovereignty, he urged, must be with either the one or the other, and where it lies there it must remain; only so can man preserve himself from the State of Nature which is the state of war. There is something almost divine in the nature of this great Leviathan, the State, and of its governor; Hobbes describes him in words taken from the Book of Job[1]: "There is nothing on earth to be compared with him. He is made so as not to be afraid. He seeth every high thing below him; and is king of all the children of pride." In fleeing from the anarchy of the State of Nature, in which the individual finds himself helpless, man finds himself inevitably cast into the powerful arms of Leviathan, that mortal God before whom he is equally powerless. These are the only alternatives for man—the state of war or Leviathan; between these man can choose—or rather between these mankind once did choose, for there was only one possible choice.

[1] Hobbes, *Leviathan*, Ch. xxviii.

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It is perhaps difficult at first sight to think oneself into the position in which Hobbes found himself. We must remember that he regarded organised society as created from beings who have no consciousness of anything but simple desire. Although man thus acts from selfish desire alone, he has come, as Hobbes saw, to live his life in a fully-developed society, within which there is found law, reverence for law, and a recognition of obligation to obey the law. All this seems to have arisen out of nothing, since it is natural to mankind to live at enmity and in a state of war. Organisation is contrary to Nature, and yet it is clearly essential to human life and human happiness. Since, then, civil society has fortunately arisen among us, we ought to be thankful that it is so and to be diligent in preserving it at all costs. For, thought Hobbes, if we do anything which may bring into disrepute and destroy this wonderful fabric of order and peace, what have we to put in its stead? We have nothing; we must just fall back into the State of Nature, which is the state of war. If his analysis of human nature had taught him that it was natural to men to co-operate for the universal maintenance of justice and in pursuit of a common end, Hobbes would have taken a different view of the State. But as it was, for him law and reverence for law were not at all based on any fundamental recognition of what is right and what is wrong; they were simply ordinances of prudence arrived at by a kind of composition or truce, to which men were finally driven by their experience of the state of war. If the present system were abolished, there would be no underlying

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principle of justice or consciousness of common purpose to which appeal could be made in advocating and establishing a new order.

This view is a common enough one in politics. "Somehow," it is said, "out of chaos man has evolved by his own reason a system, a *modus vivendi*, in which he has come to believe and which he can understand. We do not understand how it came to be; we cannot see how order ever started out of disorder. Let us, then, at all costs preserve this ground so hardly won; for if we went back at all toward disorder, how should we ever again emerge? Laws are necessary; let us then keep those laws which we have, and which are by long custom accepted and obeyed. If it is to our interest to have a new law to-day, it may be equally so to have a different one to-morrow; and laws such as these could have no more authoritative standing than that of any single decision of any one of us, and so we should be back again in the State of Nature. It is the permanence and remoteness of the laws which makes people obey them. Since, then, it is necessary to human happiness that there should be fixed laws which all will obey, let us be thankful that we have such a system of law, and let us maintain things as they are lest worse befall us."

This was the position in which Hobbes found himself; the demand, inspired by the Reformation, that the institution of authority should be justified before the judgment of the individual man found thinkers of his time unprepared, and Hobbes could do little more than express his surprise that civil society should have emerged at all. He saw clearly that

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under the existing order men had a real respect for the law, and while he saw the benefits which this respect for law ensured, he failed to discover its origin. Hobbes had rejected the possibility that this respect was due not so much to the actual laws themselves as to those underlying principles of justice which the laws were regarded as embodying, albeit imperfectly; for he thought such principles did not exist. For him that which commanded obedience was the actual existing law, as written in the statutes, and the actual person exercising sovereignty. He thought that the only possible check on action from selfish desire was that certain rules should be definitely laid down and enforced as the regulations of society. These would at first be obeyed only under the influence of force, though later under the influence of that awe inspired by time and custom; but in any case obedience could only be guaranteed by keeping them fixed and unchanging as they stood.

A doctrine similar to this has inspired the political creed of many men in all ages; it is indeed an intelligible one. For any man it is a grave responsibility to wake again the forces which a successful civil government has laid to rest; to rouse the passions of a people, nobler and baser alike, and to endeavour to pilot them through anarchy to a higher self-realisation, to a form of constitution which sacrifices less that is valuable in the struggle for order and organisation. For Hobbes it was worse than this. For him there could be no such progress through anarchy; for him all that mankind had won from chaos and disorder was and must be contained in

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the actual existing form of government. If that were lost, all was lost. On Hobbes' view, the only standing that a law can have is that it is accepted and that it is obeyed; therefore the law as accepted and obeyed must be maintained, for if it is destroyed nothing is left, nothing at all. All this wonderful fabric of order and peace which has been built up with such toil and such suffering through all the generations of our ancestors—all this would be gone, leaving not a wrack behind!

So Hobbes was driven to maintain the sanctity of the person of the sovereign and the inalienability of his power. He had shut himself off at the outset from the view that respect for law and the possibility of society rest on something more profound than a written law or even a particular constitution; for at the bottom of the human soul he found nothing but selfish desire, and in the world around him he saw nothing but things for man to desire and things for him to detest. He saw that with the appearance on earth of government and law there appeared also reverence and law-abiding orderliness, new attitudes of the human soul which would make possible a new and happier life—the life of a community with peace within its walls. But Hobbes did not see that this arose because man represented to himself the law as aiming at a higher, nobler, truer justice than was expressed in the mere words of the law. He thought that the respect must be for the law as formulated, since the appearance of the law caused the appearance of the respect. So he thought that to tamper with one jot or tittle of the law was to destroy that respect, and with it civil society, and so to lose

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eternally the ground mankind had hardly gained in its long struggle upward from the State of Nature and the State of War.

The conception of sovereignty involved in this view is closely akin to that of the theory of Divine Right, with the exception that Hobbes does not insist that sovereignty must reside in one man, or that the choice of the man rests with God. The history of the development of society from the original contract shows, if we are to believe Hobbes, that it is only by resigning all power, once and for all, into the hands of a sovereign that social life becomes possible. If it is the sovereign and the sovereign alone who makes possible a life nobler than the state of war of every man against every man, then there is assuredly something divine in his office—a view which is made all the more credible by the inalienability of his power, which endows him with a permanence akin to that of the eternal laws of the universe. If you believe with Hobbes that there was a time prior to society when men lived a life little different from that of the beasts, then you may well agree that he who rescues them from that state and places them within reach of a more human existence is entitled to their eternal gratitude and obedience. It is not even surprising that men should think of such a one, or of his established successor, as appointed by God, and as such all the more irremovable, if they recognise the nature of their condition prior to his coming and appreciate the change he has made possible.

Objections to this position have followed two different lines; for it can be maintained both that

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society emerged by a far different process from that described by Hobbes, and that the state in which the subjects of such a sovereign are forced to live is worse even than the state of war. If the king be held to be endowed with an absolute authority to treat his subjects as he thinks fit—and we have seen that Hobbes insists on this, and removes from the subjects even the right of complaint—then it is possible that the position of his individual subjects may be worse, even from a material point of view, than it was prior to society. For then each man relied on his own arm for his defence, and did not trust in a sovereign whose treachery might at any moment rob him of liberty or of life. In the State of Nature none would be brought to such a pass as have been the most faithful servants of princes. Strafford, when he died for having upheld his king in the exercise of what he himself believed to be a right divine, could not complain of his fate, but he could at least warn others against it by his dying words: "Put not your trust in princes."

If a king is "good" and governs in the real interests of his people, as would, for example, Bolingbroke's "Patriot King," then, no doubt, his subjects do derive great benefit from his rule, and both their material and moral welfare are to a great extent secured under the law and order which he maintains; but there are few who would honestly claim that the monarch has a "right divine to govern wrong," and that God, as it were, appointed a bad king to chastise his people. If it is in the power of the subjects to rid themselves of him, they need not think that they are offending God by so doing, since

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the king has been untrue to his trust in persecuting his subjects. So far Bolingbroke would agree, but Hobbes does not seem fairly to face the issue.

Bolingbroke, no less than Hobbes, failed to realise that the principle involved in the absolute sovereignty of the monarch was in itself open to fatal objections, even apart from the goodness or badness of particular kings. However much of his authority the sovereign may appear to resign in allowing his subjects to come and go in apparent liberty, so long as he is and is recognised to be all-powerful and to stand above law and justice, so long the citizens must be prepared at any moment to submit to his arbitrary pleasure, and must recognise that their life and liberty depend on his word. Such a condition may appear to be hardly preferable to anarchy. Moreover, since history bears witness to the growth of States where order and efficiency have been combined with individual liberty, it is impossible to maintain that such sacrifice of liberty is inevitable in the interests of law and order. If it were inevitable, the life made possible by society would not be nobler than life in the State of Nature. Even such as would be prepared to agree that Hobbes' conclusion follows from his premises would scruple to agree with him that "peace and security of life" is the ultimate end of man on earth. There have been men in all ages who have weighed their lives as nothing against some principle of conduct, and have gladly gone to the stake in defence of a name. Whether or no martyrs are to be considered freaks of nature, to be left out of account in a serious consideration of political society, there is a spirit akin to theirs at

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work in all communities. It may be that the only possible standard for the calculation of men's actions is one of self interest, but if this be so, the greater part of action cannot be calculated at all.

In neglecting this Hobbes neglected a vital part of man's nature, and was unable to see the whole truth about political society. Both he and the advocates of the Divine Right of Kings missed the importance of the individual man not only as entitled to rights, but as an actual force in politics. When Hobbes denied the existence in man of any moral instinct, he may have seemed to be doing no more than expressing an opinion; but in truth he was shutting his eyes to a fact.

It is idle to discuss the rights of the sovereign and to ignore not only the rights, but the powers, of the subject. A king may claim his title by right divine, but his subjects may deny it to him on no other authority than that of their individual conscience. Action in opposition to the sovereign, which to Hobbes could not be rational at all, since it could not spring from self-interest, proves itself a very real force when it brings the established authority tumbling like a house of cards about the heads of the advocates of Divine Right.

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CHAPTER V

ROUSSEAU: THE GENERAL WILL

HOBBES had tried to construct a conception of human society from an analysis of the nature of individual man. He had failed not because his method was a wrong one, but because his analysis was incomplete. Rousseau, who pursued the same method, was led to an entirely different view by his ability to grasp truths which lay beyond the field of Hobbes' vision. Like Hobbes, he started from an examination of human nature, but he saw in man more than a mere creature of desires and passions.

Both writers recognised that it must in the end be a free act of choice by which any man remains a member of or obeys the commands of society. Both realised that, therefore, society must be such that a man can choose to obey it; and both to some extent realised—though this point is more prominent in Rousseau than in Hobbes—that it must be such that a man would be right in choosing to obey it.

Hobbes attempted to explain in principle the individual's obedience to society on a basis of the purely rational pursuit of selfish interest; Rousseau attributes it not to such a rational calculation, but to the moral judgments of the individual conscience.

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Instead of concluding with Hobbes that obedience must be rendered to the existent authority for the sake of the security which it guarantees, he insists that, in spite of the danger to security, man is bound to resist any authority and any institution which seems to him incompatible with man's individual liberty. He sees that it is man's nature to treat wrong as wrong, and to be prepared to risk even his life to set it right. It is significant that Kant acknowledged his gratitude to Rousseau for opening his eyes to the "moral dignity of the individual."

Hobbes' theory had, however, been already modified by subsequent writers before Rousseau swept it away by repudiating the conception of man as a purely selfish being. Hobbes had maintained that the end of civil society was security of life and property, and since it was only by the maintenance of order that such security could be attained, it followed that political government, when once established, must be for ever inviolable. On his view, no malfeasance on the part of the sovereign could entitle men to disregard his authority. Such disobedience would for Hobbes have meant the dissolution of the society, since he drew no distinction between the agreement to form a civil society and the agreement within that society to set up some particular government. Locke (1632–1704) emphasised this distinction both as a justification of the Revolution of 1688 and in the interests of a more liberal doctrine of sovereignty, which his views regarding that Revolution had led him to seek. This modification of Hobbes' view of the irrevocability of the contract can admit

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the finality of the covenant by which the society was formed, while denying that any particular government need command any but a transitory obedience. It is the fact of the existence of the society which makes possible the life of its members, while the government of the moment does no more than organise the means of securing those rights which the society exists to guarantee. Therefore, as soon as the members of that society think that the laws and commands of the particular government are contrary to the interests of the community as a whole, it is possible for them, as Locke saw, to change the government without destroying the continuity of the civil society itself. For since it was the civil society, and not the particular government, which was thought to be established by the social contract, a change of government might be effected without any violation of the covenant. This, as Locke would maintain, is what actually happened in the Revolution of 1688. It would be absurd to suggest that on the abdication of James II the English State ceased to exist, and that a new civil society was formed whose sovereignty resided in the persons of William and Mary and of the Lords and Commons of England. What did happen was simply that the people who formed the English State changed their form of government, and the sovereignty which had formerly resided in James was transferred to William and Mary in Parliament.

The conclusion from this doctrine was immediate, that, since the people have the right to change their government, and even their form of government, the real sovereignty resides all the time not in any

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government, but in the people themselves. So the people of England transferred the supreme authority from James to William and Mary in Parliament; and so a century later the American people transferred it from the government at Westminster to a constitution and a government of their own. The American Revolution was in logical accordance with Locke's doctrine, and the new constitution it set up was founded on the principle of popular sovereignty which had characterised his writings. It becomes clear, indeed, from an examination of the language of the Declaration of Independence that the founders of the American State were profoundly influenced by Locke's thought, and even by his terminology. In arranging the details, however, of the form and organisation of the actual constitution they adopted, they turned elsewhere for inspiration. This they found in the writings of Montesquieu.

Montesquieu (1689–1755) was a scholar rather than a reformer. He was primarily interested in the investigation of the actual facts of political life. This interest led him to develop a new political theory as the result of a critical analysis of actual constitutions. He did not claim to be primarily a champion of the cause of freedom, but his study of politics led him to conclude, first, that the people were ultimately sovereign, and, secondly, that it was to the interest of society that this should be so. These clear-cut views, set out in an arid style untinged by any sentimentalism, seem to have appealed to the Puritanism in the Americans of 1779; at any rate, most of Montesquieu's conclusions are to be found reflected in their constitution.

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In his political theory Montesquieu took the constitution of England as his model. He states the principle of what he calls republican government in the simple sentence—

"The people which has sovereign power must itself do all that it can do well, and what it cannot do well it must do through its ministers." [1]

These ministers, who are thus presumably to be entrusted with the administration, are to be appointed by the people or by officials chosen for that purpose; for Montesquieu holds that the people are competent to choose even such officials as occupy posts requiring a special training—as, for instance, judges—a theory which has been put into practice by the States in America, though not always with good results. While the people are capable of choosing officials, they cannot, Montesquieu maintains, carry out a policy; this, then, they should leave to the ministers of their choice and confine themselves to the business of legislation.

Thus Montesquieu emphasises the distinction between the legislative and executive functions of government. It is on this separation of powers that he relies for the guarantee of liberty, not only in a republic, but also in a monarchy, such as he understands the English Constitution to be—government by a single man, but tempered with aristocracy and with a popular element. The merit of monarchy, he says, is that, since there are several orders below the

[1] Montesquieu, *Esprit des Lois*, Bk. II., Ch. ii. Ed. "Renaissance du Livre."

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prince who support the constitution, the State is firmer and the constitution more established—

"for kings whose power seems limitless are stopped short by the smallest obstacles, and humble their natural pride before complaint and petition, just as the sea which seems to long to cover the whole earth is stopped short by blades of grass and by the most insignificant pebbles on the beach."[1]

This is Montesquieu's estimate of the value of the separation of powers, drawn from an examination of the constitution of England. He thought that in England the sovereign power was separated in that the authority of the king was checked by the "intermediary power of the nobles," and by the people and the statute law. His principle has since been worked out in America by the system of checks and balances in which not only executive, legislative and judiciary, but also Federal and State Governments, and, again, State and local authorities, are balanced against each other. None of these is absolutely supreme, but each claims a share of the sovereignty, and in this opposition the popular will emerges and individual liberty is guaranteed.

It should be remarked, however, that Montesquieu clearly mistook the nature of the English Constitution when he praised it as giving effect to the principle of the separation of powers, since even in the eighteenth century it was marked by that unitary characteristic which is now admittedly of its essence. Legally the sovereign was the same then as it is to-day; that is

[1] Montesquieu, *Esprit des Lois*, Bk. II., Ch. iv. Ed. "Renaissance du Livre."

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to say, it was the King in Parliament, or the King, Lords and Commons. The Lords and Commons had in practice, no doubt, served as a check on the personal power of the King, but the sovereignty was not divided. It lay in the harmony rather than in the conflict of the three estates. The harmony may have arisen out of a conflict, but for all that it was in the harmony, and not in the parties to it, that the sovereignty resided. Thus the history of the spreading of the principle of democracy in England is the history not of the usurpation of new power by Parliament, but rather of the gradual acquisition of control over " Acts of Parliament " by the people at large through the extension of the franchise.

It may be thought that, if Montesquieu was really propounding a doctrine of individual liberty and popular sovereignty, which proved to have so great an influence in America, it would seem to be an inconsistency in him to insist on the necessity of a separation of powers. If the people is not sovereign, let those in authority over them be balanced against each other so that the popular will may triumph in their despite ; but if it is sovereign, then why hinder its actions—whether they are performed directly or through agents—for that would be to build up with one hand and knock down with the other. Where the popular will is really sovereign and the government is composed of popular ministers, then a separation of powers is superfluous, but where the people is not effectually sovereign, then its will may emerge more easily if the actions of the government are checked.

The truth would seem to be that, though Mon-

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tesquieu looked forward to the perfection of human society and the assurance of individual liberty, this was to him little more than an abstract ideal existing to provide a justification of the State and the machinery of government. He was, therefore, more influenced by his mistaken interpretation of the actual constitution of England than by his ideal. There came at length a thinker who saw that, while this conception of society was explicit as an ideal merely, it could prove nothing but a source of exasperation and political unrest. It had now become a necessity that a genuine attempt should be made to embody this ideal in the actual organisation of human affairs.

The appearance of Rousseau's *Social Contract* (1762) marks a profound change in the development of political thought. With him, for the first time, we find it fearlessly recognised that the moral judgment is relevant to politics; the time was come for the world to learn that a simple appeal to the consciousness in the ordinary man of what is right and wrong may of its own power alone destroy institutions that have survived the test of centuries.

In Rousseau there is no longer any reverence for precedent or for the laws and customs of past ages; he makes an appeal, simple and direct, before the bar of every man's conscience—to the learned and unlearned alike. In him there is no lurking fear of what may happen if he meddles with institutions that have stood the test of time. For him a wrong is a wrong, even if it be done in the name of society, and no experience can justify its maintenance. Rousseau's writing shows the spirit of the man and

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of the generations that follow him. In the heart of things he found a crime "against God and against humanity" which no man of conscience could endure—

"Man is born free," he cries, "and everywhere he is in chains." [1]

Before a fearless prophet of this doctrine everything was bound to fall. Against that uncompromising challenge, which goes straight to the heart of every man, meaning the same to all, and thus imparting a new and a natural unity such as no watchword had ever inspired before, the order that had stood for generations was bound to crumble. There was now no room for the halting fears of past reformers, with their distrust of the future and their dread lest the last state of their nation should be worse than the first. It is no longer of use to urge that the destruction of the present *régime* must result in anarchy; that the fabric of civil institutions which our fathers have reared through all their generations cannot be improved or replaced by us in a hasty hour; that the people are not fit to govern. These arguments no longer touch the point. At last eyes are opened and men have the courage to see that a moral wrong is a moral wrong wherever it be found; the thing is a crying evil—away with it!

So Rousseau brought the whole fabric of political institutions before the bar of the conscience of mankind, and found it criminal. Cromwell's Ironsides

[1] Rousseau, *Contrat Social*, Bk. I., Ch. i.

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had needed no learning in political science, no extensive knowledge of international affairs, to see that Charles I was doing wrong to encroach on the chartered liberties of his subjects, and therein lay the strength of the Parliamentarian movement. So it is with Rousseau's uncompromising plea. The whole question of politics is now brought down, once for all, to face the moral judgment of the ordinary man, and when once it is there the ordinary man sees that that is where it ought to be. A wrong is a wrong, in whatever sphere, and when once men have been brought to see a thing as wrong, they must sooner or later set it right. That is the kind of being man is.

Thus the doctrines of Rousseau depended very little for their power on any logical virtue in his theory. His influence was the influence of a spirit. His teaching could be popularised in such a way as to be believed without being studied and understood. This explains the fact that Rousseau's influence, both on his contemporaries and on succeeding generations, was far more widespread than was a knowledge of his writings. Words and phrases expressive of his spirit were passed from man to man, and it was this that spread his doctrine through the masses. To such of his disciples as required an inspiration better founded than this there was the living example of America. Events there acted as a powerful stimulus to the growth of the new ideal of political liberty and provided that background of fact whose absence might have threatened an influence such as that of Rousseau. By establishing the possibility of institutions which seemed to be compatible with individual

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freedom, the American Revolution showed that the political ideal of Rousseau need not be merely the dream of a visionary, and this added impulse was enough to spread the influence of his teaching over France with an irresistible force. Thus the writings of Rousseau supplied a moral force which was strong enough not only to support legal rights, but even, in its turn, to justify to their agents deeds which history has condemned as crimes. Because the idea that underlay and suffused his writings was to him a living thing, it mattered little that it was not new, for he made it his own by giving it life, and breathed into the dry bones of Montesquieu's *Esprit des Lois* the vital spirit that inspired the resistance to the tyranny of the *ancien régime*.

His teaching was simple and clear, and appealed to the heart of an oppressed people. He opposed the privileged aristocracy, which was a far greater enemy than was the king to a people inspired with the religion of equality. The recognition of their right to equality united in a common antagonism to the *ancien régime* men who differed as to the nature of its evils. Rousseau taught that the existing order denied to man this birthright of equality, a natural right which he does not abdicate in joining a society, and to which he is entitled, whatever the consequences of his claim. Civil society was, in a word, no longer to be treated as the only source of all rights, but the rights of society itself were to be regarded as subject to and determined by the moral standard—a higher law, prior even to society itself, and known to the moral judgment of the ordinary man, however politically ignorant he might be. As things were,

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society had grown up in violation of the natural rights of man; it must, therefore, be reformed so as to secure these rights even at the expense of ruthlessly cutting away all existing institutions, and even though it might appear that no other order of things was immediately possible. Rousseau had brought forward principles which seemed to make a reformer bound to face even anarchy if necessary.

It may be argued that this is not a new spirit in political life. There have always been revolts and murmurs when people were oppressed, for mankind has rarely been prepared to suffer under tyranny without a struggle. It has always been true that "the hungry mob knows no fear"; and where there have been wrongs there have always been resistance and discontent. This is not the work of a great philosopher of any age; it is but human nature.

These arguments seem to overlook an obvious distinction. There is a great difference between a riot and a revolution. Starving stomachs may make an angry mob, but it is the recognition of rights that inspires a great political movement; for the common recognition of a right naturally confers upon men a unity which, as history proves, endures till death. All great leaders have realised this and, whatever their private aims, have put before their followers some great moral purpose for which they could fight. No army has ever been held together for long, through victory or defeat, by the mere promise of reward; but many an army has held on through countless defeats and disasters, and has even survived lack of confidence in its leaders, when fighting in a

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good cause. Cromwell and his Ironsides were bound in the end to win, for their cause could never be defeated.

Thus it has been characteristic of all great political reformers that they could make their followers see their aims as a principle, as a question of rights. What, then, was the advance for which Rousseau was particularly responsible? We shall perhaps best discern this by comparing his position with that of Cromwell. Cromwell is so far like the earlier thinkers that he appeals to ancient rights within the constitution, for instance, to the people's right to common land, which had been actually granted by the king by written charter. This is so far consistent with the old attitude of taking political institutions as they are and accepting them as facts beyond men's competence to approve or disapprove, since they had grown up from the practice of time immemorial or from the direct institution of God Himself. But as the war went on and more and more endurance was called for, a new spirit began to appear. Following on the Reformation, an age of sterner conviction had arrived, and there had arisen a spirit of liberty before which the king himself must fall if he oppose it. It was still strongly mixed with religious feeling, and the movement was, no doubt, half fanatical, but the moderation of the revolution and the constructive reform which followed the deposition of the king showed what a strong element there was of cool, steadfast deliberation and thinking conviction. At last it was recognised that the knowledge of what ought to be has some bearing on politics, and the determination on the part of a whole people that

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something must not be had dethroned and beheaded a king.

But Cromwell had only gone half way. He was reluctantly driven to action by the tyrannous oppression of Charles I, and he seems to have thought that only the most serious crimes on the part of a monarch could justify such rebellion. For Rousseau the conduct of any particular king did not touch the point. The same moral judgment which for Cromwell condemned a particular act of the king, for him declared a despotic monarchy as wrong in principle. Rousseau saw the problem as one for all peoples and for all times. He drew the conclusion that the only law which it is right for a man to obey is a law under which all men are free and equal. He therefore repudiated all the law and authority which he saw in operation in his own day and, without hesitation, condemned political society to begin again the slow advance from its beginnings.

So Rousseau was destined to open the floodgates of revolution so that the old order should be swept away. But from what principles was the new political society to begin? What constructive principles had the new spirit to offer for the replacement of the *ancien régime?* How would the plain moral judgment fare in political practice? The problem before it was indeed a difficult one. If all men are free and equal and no man has the right to impose his will or commands on any other man, how are we to get that organisation which social life demands? How are we to maintain law and order? Whose commands can a man obey without infringing his rights as a free being and as the equal of every other

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man? This now becomes the vital problem of all political inquiry:

"To find a form of association which will defend and protect with all the force of the community the person and the property of each associate, and by which each man, uniting himself to all, nevertheless renders obedience to no one but himself and remains as free as before."[1]

This is the fundamental problem of which Rousseau thought the doctrine of the social contract gave the solution. To him the State was based on a voluntary association of equal partners who, in combining into one society, did not abdicate their equality, since each party to the contract submitted his individual will to the will of the whole, and not to any particular person or group within the whole.

To ensure the equality of all the members of the society, the authority which all must be prepared to obey must be vested in the society as a whole, since it is only to the whole of which he himself is a part that a man can submit himself without derogating from his individual liberty. In obeying commands issued by the whole people he is the equal of all his fellow-citizens, while in obeying a person or a party within the society he would be submitting himself to commands of which he, as one of the whole community, was not ultimately the author. So Rousseau concluded that sovereignty must rest with the people, and must be indivisible and inalienable.

The length to which Rousseau carried this doctrine is illustrated by his attitude to the principle of representation. Where government could not be

[1] Rousseau, *Contrat Social*, Bk. I., Ch. vi.

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carried on directly by the people meeting together to make laws and to issue commands—a method which even Rousseau admitted to be generally impossible—this duty must be entrusted to some person or persons who may perform it on their behalf. But these persons must not, Rousseau argues, be in any sense sovereign; they must not even be taken as representing the sovereign; they are but the agents, mere "living tools," as it were, of the people, in whom alone sovereignty always resides. The sovereign people itself directs the policy of the State, and is responsible for it at every turn. The duty of these agents to whom it has delegated power is merely to work out the details of a policy which they themselves have not originated and cannot control. In so far as the effectual carrying out of the principle decided on by the people as a whole seems to involve a further question of principle or general policy, the matter would have to be referred back to the sovereign people. In a word, these delegates do no more than provide the machinery by which the business of government is carried on, and have no authority to deal with any point not expressly covered by the actual formulated policy of the sovereign.

The problem which Rousseau attempted to solve by his theory of delegation was one which he himself had been the first to emphasise—though since his time it has been commonly accepted by the modern world as the fundamental problem of political organisation—namely, to combine efficient administration with effective popular control. The attempts of modern peoples to meet this difficulty have mainly

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followed the line which Rousseau himself repudiated. It must be remembered that Rousseau had no direct experience of a representative form of government, and his criticism of the English system seems to betray an inadequate knowledge of the main principles of its organisation.

"The English people," he says scornfully, "thinks itself free; it is very much mistaken. It is only free during the election of its members of Parliament; as soon as they are elected it is enslaved, it is nothing." [1]

Representative government restricts the active part played by the masses to voting for members of Parliament and of local bodies who are empowered to speak and act for them in the business of government. A representative is, as Rousseau insists, a delegate of popular will, and not merely of popular power. He is chosen because he is trusted to carry out that will, but it is also a part of his duty to make up his mind what the popular will is on particular points without dislocating the business of ordinary citizens and the other business of the community by a continual resort to actual voting. It is also regarded as his duty to some extent to make himself acquainted with details of particular problems, and so to be able to form a decision on particular points where the ordinary elector can only be insufficiently informed. This point is strongly emphasised in England, where, though on the whole, no doubt, owing to the strength of the party system, men vote for measures rather than for men, a considerable part of the electorate is unquestionably swayed on

[1] Rousseau, *Contrat Social*, Bk. III., Ch. xv.

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particular occasions by a consideration of the character and trustworthiness of the candidates and, even more, of the prospective government.

There is thus a wide difference between the principles of representative government and that of the delegation of authority advocated by Rousseau. The representative is empowered to speak and act, and even to think, for his constituents on any question which may arise; the delegate, on the other hand, is determined in his every action by the letter of the mandate under which he was sent. Some modern democratic countries, however, while organised primarily on a representative basis, have yet admitted into their constitutions a measure of direct government by means of the Referendum. By this means the people voting at the polls are enabled not only to elect the men to whom government is to be entrusted, but also to pronounce on some, at least, of the measures which are to be carried.

Experience, particularly in the United States of America and in Switzerland, has gone to show that, though such direct government may form a useful complement to a representative system, it would be impossible to apply it to measures other than those of a general interest and involving a wide principle, or to administrative as opposed to legislative questions. Thus, though the development of direct government may be taken as giving colour to Rousseau's attack on the principle of representation, it seems impossible seriously to contemplate entrusting the government to the people voting at the polls rather than to representatives whose business it is to make themselves acquainted with all details.

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It is perhaps a mistake to weigh too seriously Rousseau's hasty arguments in attacking the only known system which has made possible democracy as we understand it to-day. Even if it were true, as he maintains, that a people lose their liberty in entrusting the government to representatives over whom they appear to resign control, it must be remembered that, though they do indeed resign the right to prompt their every action, they retain the more important control of general policy—a control which can be and is exerted by the continuance or withdrawal of popular support. In this way, in countries under a representative system no less than in those small communities of which Rousseau dreamed, it is the popular will which finally determines the policy of the members of the Government, who, though they use their individual judgment, are, taking the whole of their policy together, no more than the agents or delegates of popular will.

This examination of the working of the representative principle has perhaps led us too far from Rousseau's argument. As we have seen, he rejected representation because he thought it impossible to admit into the State any form of organisation which might seem to be dividing the sovereignty. He thought it would be fatal to that feeling of individual liberty which it is the State's first duty to preserve if it could appear to any one, however lowly, that there were others who could, of their own free judgment and will, speak or act for the community as a whole. In this Rousseau seems to be emphasising a point which is sound in principle and of great importance. We must now inquire, however, with

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more accuracy just what it is, on Rousseau's view, to whose authority a free man can willingly submit himself? Rousseau admits, as we have seen, that, in practice, the policy of the community must be determined by a vote of the majority; but the considerations by which he justifies this principle are curious and give the best indication of his fundamental view.

Each man, he says, entered the society by the social contract free and equal to the others, and all alike bound themselves to obey the commands that they all, as sovereign, should issue. Because the sovereign can only speak with the voice of a majority, and not of the whole, that is no reason why the minority should disobey the sovereign, of which really, in spite of their mistaken opposition, they form a part. Rousseau is maintaining in effect that the will of the community as a whole is more certainly expressed by a majority than by a minority; in other words, he is arguing that the minority are mistaken in their judgment as to what the will of the community is, and, therefore, as to what their own will is in so far as they are members of the community.

How far this is a satisfactory argument in favour of majority rule we need not here stop to inquire; the point with which we are here concerned is Rousseau's more fundamental view that what is really sovereign is not the people voting at the polls, but something far more vague and difficult to determine, which he calls the general will.

What, then, is this general will? The conception is difficult to analyse or to state concisely. At least,

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however, it emphasises the central fact that in a democracy the individual citizen is both sovereign and subject, and as subject must submit to the laws and commands that he himself makes in his capacity of sovereign. Thus though, as Rousseau says, there may be a conflict between the will of all and the general will, since the one is concerned with the desires of individuals, while the other has in view only the common good, it is from the conflict of particular selfish wills that the general will emerges. It would seem that the general will must be taken to be best expressed in any particular election by the vote of the majority; but, as Rousseau rightly points out, it is rather the common interest involved than the number of voices that gives the will its general character. It may, therefore, happen on any particular occasion that, though it is by the vote of the majority that we are compelled to gauge the general will, time may prove that in fact the minority were more truly expressive of it than were the majority.

This fact Rousseau recognised; but thinking, as he did, that that which gives an act of the sovereign its authority is not the probable wisdom of its judgment but the general nature of the will embodied in it, he drew the conclusion that the only possible principle in practice was the acceptance of measures passed by the expressed vote of the majority as acts of the sovereign. It is difficult not to feel that there is some virtue in this argument.

It has, however, often been objected that the doctrine of the general will, rightly regarded, does not really help to solve any political problem. If it is granted that it may at any time happen to be more

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accurately represented by a minority than by a majority, and even that it may not be fairly represented by any party or by any person in the State, how are we to discover this general will, which is the will of the sovereign ?

It would seem that, in Rousseau's view, there can be no answer to this question, for it is clearly implied that it is only with the passage of time that we can discover whether the majority or any other party in the State did, in fact, represent the general will. It would seem, in a word, that it is only after the event that we can discover what was the general will on any particular occasion. If this is so, whatever may be the value of the doctrine, it clearly does not, as some have maintained, solve the problems of political organisation; it does not of itself establish that democracy is the best form of government, for, since the general will is admittedly undiscoverable, it must be open to doubt what form of government will come nearest to discovering it. If Rousseau had maintained that sovereignty lay in the will of a numerical majority in the State, it might be possible to argue that his doctrine proved that the best form of government was a democratic one; but this Rousseau did not maintain. He expressly distinguished between the "general will" and "the will of all."

Even if the votes of a whole nation were unanimous in support of a measure, Rousseau could not hold, on his own principles, that that measure necessarily expressed the general will. It may be true that a democracy is the only form of government under which a free man can live, but this is

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not proved by the doctrine of the general will, for the measures of a democratic government can never be proved to be representative of that general will at any given time.

For all that, the doctrine has exercised a profound influence on subsequent political theory. It has demonstrated once for all that, in the celebrated words of T. H. Green, "will, not force, is the basis of the State."[1] Underneath all the frequent political changes there lies a profound spirit at work guiding the political development of peoples. It is a commonplace to urge that a nation gets the constitution it deserves. A reformer carries his reforms, but it rests with the general character of the nation at work in succeeding ages what shall become of his reforms. The majority pursue one policy, the minority another; yet it is neither which is realised in fact, but, instead, a line of action which is something like the policy of the majority modified according to the strength and sagacity of the minority. The general will must always realise itself, and ultimately it will do so, whatever be the form of government. It would appear, then, that the problem of political organisation may now be put in the form: How should a State be organised so that the general will may realise itself most smoothly?

It thus becomes evident that it is essential for the political theorist to study the history of the constitutional development of peoples in order to discover how, in fact, this general will has manifested itself; and this analysis of political theory has suggested a

[1] Green, *Principles of Political Obligation.*

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new footing on which democracy can maintain itself; for it is clear that the form of manifestation of the general will which no king and no government can resist is the outcry of a whole people against some particular measure. No form of government can, in the long run, prevent such expressions of the general will, and those governments which by their nature endeavour to suppress them must, sooner or later, fall before them. It would thus appear that democracy alone among all forms of government really attacks the problem by attempting to provide regularised means for the expression of public opinion and feeling. In a democracy there is no reason why the general will should not be able to prevent or countermand any policy without in any way subverting the constitution. The great movements by which the general will of a nation has expressed itself and guaranteed the progress of human freedom can, under the principle of democracy, always express themselves within constitutionally determined channels. To illustrate this, it is only necessary to take the case of a change in the personnel of the government. The popular hostility to the government may be expressed by no stronger means than that of Press agitation and public meetings, and yet it may make a change of government inevitable. In a democracy the realisation of the popular will on occasions like these, which is so marked a proof of the rule of the people, can be peaceably effected by a General Election.

In a word, democracy has now come to mean not that the people do or must, but that they can, govern themselves; that they hold the reins of government

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in their own hands, to be used when they feel strong conviction on some point of principle. The objection that the common people do not and cannot, owing to their lack of education, take an intelligent interest in politics loses much of its force when it is recognised that it is not necessary to the maintenance of individual liberty that every man should always be so busy studying the problems of politics that he can have no time or energy for pursuing his own ends. Clearly it is only necessary that a citizen should have the power to protest when he thinks of a certain State action as wrong, and should know the way to protest and with whom to lodge his protest, so that he can so far prevent that action.

Thus it seems fair to urge that under a democracy, even though it appears that nobody "is taking any interest in politics," a general will of the people is always expressing itself. How far what appears to be the general will at any moment is really representative of that general will which Rousseau thought of as sovereign it is always impossible to determine, except after the passage of time. Any public outcry may only be the expression of the passion of the moment, and it is against this danger that all democratic Governments seek to guard by some system of checks and balances—usually based on the principle that, if public opinion remains unchanged over a period of time, it is, in fact, representative of the real general will. The really important point, as far as concerns Rousseau, is that the doctrine of the general will has provided a positive argument in favour of democracy in the light of which it has appeared worth while to the modern world to struggle with the

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particularly difficult problems of administration which a democratic form of government carries with it. Only under the principle of democracy can there be realised in action within the constitution that most irresistible and most appropriate expression of the general will, namely, the outcry of public indignation against some particular national policy; only so can such an expression of popular will involve no more than a peaceful and welcome step in the political progress of mankind.

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CHAPTER VI

THE PROBLEM OF SOVEREIGNTY: JOHN AUSTIN

WE now turn to the writings of a lawyer, John Austin (1790–1859), whose views may best be treated as complementary to those of Rousseau, since, though widely different and arising from an interest of a kind quite different from that of Rousseau, they were no less necessary to the actual course of political development. Rousseau had confined himself to a theoretical justification of democracy, and had not interested himself very deeply in the practical means of its attainment. It seems likely that he did not think there were any really serious practical difficulties in the way of the political reformer when once the democratic principle was granted. No doubt it seemed to him that, if the heart of the nation was right in this matter, all the rest would easily follow. But the world at large did not share his view; and the claim of the French revolutionaries that they were working out the principles of Rousseau only hardened the opposition to him. Intense as Rousseau's influence had been, it was likely to be doomed by the French Revolution, unless it could be reinforced by some more solid assurance that the march towards this ideal was reasonably practicable. What was needed was a serious attempt to understand the whole working of

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political machinery, as it were, in its widest sense, so that the ordinary man could be in a position to judge whether or not the working out of Rousseau's ideal necessarily contravened principles on the maintenance of which the very possibility of civil government depends. This inquiry Austin undertook, and seems to have carried to a satisfactory conclusion.

In a sense, no doubt, in following Austin in his inquiry we are passing from the real to the abstract; we are turning our back on those vital principles on which we know the life and actions of men and of nations must depend; we are repudiating for the moment the attempt to estimate those ends for which men fight, and for which we think they ought to fight; and we seem to be taking up instead the merest technical inquiry into the method and practice of government. We may perhaps be impatient to know how such an inquiry can help us in our search for the principles which must underlie good government—that form of society in which order can always be maintained without sacrificing the liberty and moral responsibility of the individual man. But if we are willing to waive our demand to have this question answered until the end of our examination, we shall meanwhile find in the work of a lawyer the compensating advantage of clearness and of at least superficial intelligibility. Here sentimental beliefs and aspirations cause no confusion, for they have no place in the presence of the legal mind, which is interested in facts alone. For the lawyer a fact is no less a fact whether it ought or ought not to exist.

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Moreover, Austin was more than a lawyer ; he was also a political theorist, and was interested in social reform ; and something must first be said about this side of his thought if we are to understand the principles on which he was able so completely to separate off the legal side of sovereignty from all connection with his general humanitarian beliefs. The purpose of this chapter is primarily to emphasise the legalist view of sovereignty, and this we can only do, as the lawyer himself does it, by leaving ethics out of the reckoning ; this, in its turn, we cannot well do until we have at least stated the problem which lies behind the legalist view, and so can determine what question it is to which we hope our inquiry will afford an answer. Austin himself did not doubt that there was such a problem. He did not imagine that his legal definitions could in themselves settle the questions which his contemporaries were seeking to answer. He simply treated facts as facts, hoping to enlighten men as to the actual legal conditions under which they lived, and recognising, no doubt, the need for an intelligible statement of the fundamental principles of government, as opposed to the vague ideal generalisations of Rousseau ; but he knew that such an analysis of fact could not touch the heart of the problem.

We must remember that for Austin this problem had been provisionally settled by the general philosophical doctrines in which he had been educated. Before considering, then, the value and the shortcomings of his analysis, it would be well to examine the attitude of Austin and of the school to which he belonged to the social problems of the time. If we

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do this, we shall be more likely to remember that Austin himself recognised that he was only helping to define, and not to determine, the issue, and so we shall appreciate to the full the value of that legal inquiry which was such a necessary counterpart to the vague idealism of Rousseau.

Austin was one of a group of young men who arranged themselves in defence of utilitarian principles under the standard of Bentham (1748–1832) and James Mill. The Industrial Revolution, brought about by the introduction of machinery, had led to unemployment and starvation on the one hand and the inhuman exploitation of labour on the other. The working people of England were in the grip of the new factory system and the new capitalist class, and the State was slow in attempting to take up the cause of its oppressed masses. The protest against this exploitation of man by man rang clear in the doctrine of the Utilitarian Philosophy. "The end of man," said the Utilitarians, "is happiness, and the general happiness should be the end of all political activity; in the calculation of this general happiness every one should count as one, and no one should count as more than one; the happiness of any one man must count for as much as that of any other man, even if the one delight in 'pushpin' and the other in 'poetry'—this is the only possible basis of calculation for the social reformer." The clearness and simplicity of this message was a source of overwhelming strength to those who stood for social reform; it cut like a knife through the arguments of those who used for the purposes of obstruction the principle that a little happiness of a high and noble

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kind for a few people was more worth purchasing than much more happiness based on the satisfaction of lower desires for the many. In the face of the abuses of the time, it stood simply as a true and clear expression of what was obviously right and just. Any difficulties in the view as a complete account of morality were hardly likely to appear at a time when there were so many wrongs in which it pointed to the right solution, and when its simplicity did so much to gain the general support which was necessary to ensure that that solution should be put into practice.

The view that happiness is man's end does not, perhaps, imply a high conception of human nature; but it was the natural outcome of the recognition of the atrocious conditions under which men were having to exist that thinkers should lay this emphasis on happiness. After all, it is but idle foolishness to talk of "the good life" as the end for men whose very existence is uncertain. Bentham was not a sentimentalist, but it must have appeared to him a hollow mockery to speak of the end of life as being something nobler than happiness when the pursuit of that end seemed to be involving the great mass of mankind in the deepest want and misery; it must have been clear that something had gone wrong with men's conception of the moral life, when the pursuit of the supposed moral end by the few was merely plunging the rest of mankind deeper in the slough of despair. What Bentham felt to be needed was a principle of morality which would demonstrate the possibility as well as the urgent necessity of reform in so simple a manner that it would be difficult for

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any man to oppose it in good faith. This need the Utilitarian principles supplied.

From his general view that the final end of life was the "greatest happiness of the greatest number," and that, consequently, the purpose of the State was to guarantee an equal chance of happiness to all its members, Bentham was led to formulate a definite theory of government, advocating universal manhood suffrage, annual Parliaments, and vote by ballot. By these means he thought that the people would be best able to control the government, and so to secure their maximum happiness. But it was chiefly not as a political theorist, but as a social and legal reformer, that Bentham left his mark on nineteenth-century history. His moral teaching and his untiring zeal together brought about an unparalleled series of legal reforms—it has been said that the Utilitarian principle in the hands of Bentham was directly the cause of more striking and rapid changes in the law of the land than any other doctrine in the history of the world.

If we examine the Utilitarian principles we shall see that they were more likely to urge men to reform than to revolution. This philosophy seems to have been created chiefly by the need to awaken men to the injustice of things which were clearly wrong even according to existing standards, and to represent that injustice in such a clear and simple light as to stir men to action to set things right; it does not seem to have supplied any new inspiration which would permanently widen and render more liberal men's moral judgment. In his defence of Utilitarianism John Stuart Mill does not try to show that these

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principles give rise to some new and inspired conception of the end and purpose of life, which must be preached to every creature to rescue men from fatal ignorance ; he only seeks to explain to people a little more systematically what they already know, and his most aspiring claim is to show that his doctrines can be represented as corresponding with men's conceptions of higher morality and virtue, as these were accepted in his own day. Utilitarianism, in a word, seems to have been the philosophy of men who fundamentally were prepared to take the world as they found it, but thought—often rightly—that things could in detail be rearranged in an ingenious and unassuming manner within the existing principles of society so that nobody should be the worse and everybody should be the better. But if we are inclined to be contemptuous of the movement as lacking in moral force and in any really heroic inspiration, we should remind ourselves how much the development of English social life in the nineteenth century owes to Utilitarian teaching.

These, then, were the philosophical principles in which Austin had been educated, and his training pre-eminently fitted him for the task which he undertook. He did not doubt that the happiness of mankind was the end of all human effort, and it seemed to him axiomatic that it was only through civil society that such happiness could be attained—that only through the maintenance of law and order was it possible. For him, then, the vital question was : " How can law and order be maintained ? " Clearly it can only be maintained if all men obey one and the same authority, the sovereign ; if there be not one

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sovereign, there must be conflicts of commands and duties, and the subversion of law and order. It is therefore the duty of all men to discover what is sovereign and to obey it. Emphasising as he did this paramount need for law and order, Austin thought there could be no distinction between the questions "What is sovereign?" and "What ought to be sovereign?"; for to obey some other authority than him whom the majority of the community obey is to cause a disturbance of the peace, and where there is no peace there can be no general happiness.

We have now discovered why in the pages of Austin's political writings there is no trace of a yearning after an ideal, nor even of discontent with the existing state of things. This was less because he felt that a lawyer must forbid himself any indulgence in moral or social speculation than because such yearnings or discontent seemed out of place in examination of fact. Austin's *Jurisprudence* is a study of law as it is, taking law in its widest sense as embracing all the actions of men in their relations to one another, both as members of the same state and as belonging to different states. Law would seem to be the definite formulation of the principles regulating the actions of men as social beings, and as such it must express the very essence of society. There should then, on this view, be no need to seek beyond the limits of law as it exists in any given society for the explanation and justification of the guiding principles of that society. The law must be supposed not merely to regulate the everyday actions of the citizen, and to provide redress for the oppressed and punishment for the offender, but also to be the

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expression of the basic principle of the society; in it is to be found determined not only the relation of man to his neighbour, that is, of subject to subject, but also the relation of subject to sovereign and sovereign to subject.

To Austin, also, this problem of sovereignty, which had induced Rousseau to indulge in the subtleties of distinguishing between the general will and the will of all, by which means sovereign and subject were both identified and distinguished, was the central problem of political theory. But where Rousseau had argued from faith in a political ideal and an instinctive feeling that man was, as he felt he ought to be, really the arbiter of his own fate, Austin constructed his theory from an examination of existing law as he understood it. He was thus enabled, by a straightforward examination of laws relating to the right of governments to issue commands, and to the power they hold of enforcing those commands, to propound a really clear-cut definition of sovereignty. The words of his definition are famous:

"If a determinate human superior, not in a habit of obedience to a like superior, receive habitual obedience from the bulk of a given society, that determinate superior is sovereign in that society, and that society (including the superior) is a society political and independent." [1]

This definition claims to be of such a nature as to embrace all possible examples of sovereign states. Moulded, as it is, from a consideration of the characteristics of various societies, Austin considers

[1] Green, *Lectures on Political Obligation*, p. 266.

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himself entitled to claim for it universal application; consequently, if an example should arise which appeared to conflict with the terms of the definition, it would, for Austin, throw into doubt not the validity of his general principle, but the sovereign character of that particular state.

Such a claim necessitated a certain vagueness in the formulation of the definition. Austin was forced, for all that he was dealing with facts, and facts alone, to take up a less definite standpoint than an examination of the position of the sovereign in any one state might have led him to adopt. Thus he speaks of the "bulk" of the people rendering obedience "habitually," when from a consideration of some instances, as, for instance, that of Russia under the Empire, he might have been disposed to say the "whole" of the people, and to withdraw the qualification contained in the word "habitually." In any case, the existing form of the definition enabled Austin to claim that it must be universally applicable—that in any given state it is possible at any particular moment to point to a person or body of persons and name them sovereign, since it is their commands which are habitually obeyed by the bulk of the people.

This spirit of compromise which Austin exhibits in avoiding too rigid principles in definition shows no more than ordinary common sense. It would be absurd to say that there was no sovereign body in a state just because there was present at some time among certain of the subjects an attitude of hostility and a tendency towards disobedience to certain kinds of commands from the government—a condition of things which need only indicate a healthy sensitive-

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ness and life in the community. It would be no less absurd to say that a temporary disobedience to authority necessarily renders that authority legally non-existent. Austin, like Hobbes before him, while eager to insist on the essentially definite character of that to which obedience is rendered, was unwilling to sacrifice to a satisfying rigidity of definition that continuity which is clearly of the very essence of the unity and individuality of a state. It was not so much that Austin felt that a state, to be a state, must have a past and be reasonably assured of a future, or that his patriotism induced him to look to history for a permanent thread which linked up the past of his own society so as to form of it a nation, but rather that it was obvious to the plain man that there was, in fact, such a continuity underlying changes of government, and if this fact were neglected the truth about sovereignty could not be completely discovered.

It is impossible, however, not to see that Austin's definition could not be finally satisfactory, for it sprang from a mind which, while it had the virtue of facing the facts squarely and drawing only such conclusions as the facts seemed to justify, had also the fault of assuming that there could be no further truth over and beyond such inferences as might be drawn from the facts under observation. It is true in a sense that a careful examination of some political phenomenon, such as, for instance, a particular constitution, will go far to extricate the truth of which it is an expression; but such an examination can only prove misleading to the political theorist if he does not remember that the phenomenon before him

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is at best only an expression of the truth, and is not itself the reality about which the truth is sought.

If these arguments are sound, while we shall not deny that Austin's theory could arrive at discovering any truth, we shall yet recognise it to be a task of some difficulty to determine of exactly what nature such truth might be, or, in other words, how far a legal definition of sovereignty can really contribute to an inquiry into the fundamental nature of the State.

The claim that the sovereignty of a state resides in that determinate person or body of persons to whom obedience is habitually rendered by the bulk of that community may be so far granted, in that it is always possible in any given state to determine what person or body of persons is sovereign in the terms of the definition; and this is perhaps all that Austin would have claimed for it. In England the King, Lords and Commons—though Austin made the mistake, even from his own point of view, of substituting the electorate in place of the Commons—constitute the legal sovereign, because the citizens will, as a rule, obey their commands as laid down in Acts of Parliament and interpreted by the law courts. The case of America is more difficult, by reason of the conflict of jurisdiction of the Federal and State Governments, and of the administrative and judicial authorities; but the problem is not an insoluble one. Since it is the constitution that lays down the respective provinces of the various authorities, Austin finds that the ultimate sovereignty lies with that body which is empowered to alter the constitution; that is to say, it resides in a two-

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thirds majority in each House of Congress and a three-quarters majority of State Legislatures.

The case of America seems to indicate the limitations of Austin's method. Though he has shown it possible in every case to find a determinate body which may be named sovereign in the terms of the definition, he has not really advanced any solution of the real problem of sovereignty as it would present itself to any one not concerned to maintain the adequacy of the definition. It must be admitted that sovereignty does mean something more than that obedience is habitually rendered to the body which is sovereign; it cannot be true that the only claim which the sovereign body has to obedience is that it is, in fact, habitually obeyed; the point of the definition must really be that that body which is, in fact, habitually obeyed will always be found also to have a claim to obedience. Now it would seem that those bodies which the Austinian definition determines to be sovereign in America are not, in fact, the authorities which the ordinary citizen would recognise as having that claim to obedience.

The example of England, in particular, from which Austin largely drew his inspiration, shows at once the value and inadequacy of his view. Though the King, Lords and Commons are the legal sovereign in England, there is no question but that, in the last resort, they owe their authority to a power greater than they—and this not merely in the negative sense that government depends for its permanence on the consent of the governed, but in the positive sense that the public opinion, or the will of the people at large, does in the long run prevail, and is voiced in

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the commands of the legal sovereign. If we admit that behind the legal sovereign there stands the people, which is in a political sense the real sovereign, since it is the will of the people which gives authority to the Acts of Parliament and decisions of the law courts, to which the same people renders obedience in its capacity of subject, then we cannot deny a certain truth in the view of Rousseau that the people after all is sovereign, and that the government is the instrument of its will. Austin defined the position of that government by endowing it with a legal sovereignty, which, if it really is a government, it undoubtedly has ; but he did not specifically deny that the popular will was the basis of its strength any more than Rousseau denied that this mere instrument had power to make and enforce commands. Rousseau saw sovereignty as inalienable and indivisible, and as, therefore, inevitably residing in the whole people who compose a State ; Austin, looking at it from the point of view of a lawyer primarily concerned with the source of authority for particular actions, found that the authority which he was seeking lay in the government ; he did not feel it to be his business to enquire into the source of authority to a point beyond that to which a lawyer might be expected to go in the time at his disposal for making a particular decision.

It is by this distinction between legal and political sovereignty that we can most clearly disentangle the chief contributions both of Austin and of Rousseau. Austin provided a definite character for those institutions which for Rousseau had been a mere mould into which the sovereign had happened or might

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happen to pour its administrative functions, the finite shape and construction of which must necessarily be so insignificant before the infinitely awe-inspiring nature of the real sovereign which is speaking through its instrument that he was quite indifferent to them. It is only necessary to point to the history of the French Revolution to show how totally inadequate were Rousseau's principles of themselves to establish order out of chaos, or indeed to answer any practical question of daily life. Austin, on the other hand, was at least enabled to explain the actual relation before the law of the subject to the sovereign and the sovereign to the subject.

It is important not to under-estimate the value of an attempt to determine the legal sovereign. Clearly the essence of the State is its activity of organising human life; it is this need for organisation which makes civil society necessary to the moral life of mankind. This organisation, if it is to be successful, must be easily intelligible and fully understood by all the citizens, and, above all, the legal sovereign must be easily recognisable. A citizen must know whose commands he must obey, to whom he may go for redress of wrongs, what he is to do if he wishes to inaugurate a reform: what things he has a right to do and what things he has a legal duty to do on all occasions. Moreover, there must be some one to see that he does his duty according to the law and keeps within his rights; and he must know who this person is, that he may recognise in him the representative of the law.

All these things are a question of action; in all these cases the State has to act; it has actually to

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do something here and now or not to do something; and in this proper sense of "action" it is in the end only a person or determinate body of persons who can act. There must, then, always be some one who can act and who can, if necessary, mobilise the whole force of the State in its action. There must always be some person or persons to whom obedience is and must be rendered, for without it the organisation of a State is impossible.

Now this person or these persons are in a sense sovereign; their orders are obeyed and must be obeyed. But in what sense are they sovereign? They are sovereign just in the sense indicated in the words of Austin's definition, that they are, in fact, habitually obeyed by the bulk of the community; and, as has been urged, there must always be a sovereign in this sense. But is this all that Austin meant by sovereignty?

It is clear that in this sense sovereignty is not one and indivisible—that the determinate person or body of persons in whose hands lies the State action is not one and the same in all departments of State life. Furthermore, it would seem that any attempt to find one supreme person or body of persons to whom they are ultimately responsible, and from whom alone they derive all the authority they have, must inevitably fail.

If we consider, for instance, the case of the administration of law in this country. There is, no doubt, a very real power which is determining the general lines of the development of common law through the particular judgments of the particular courts; but this power does not reside with a par-

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ticular person or body of persons, but with something essentially vague and difficult to calculate. This is clear if we take a particular case. If we ask whether the promulgation of a certain judicial opinion in a given case will be admitted by the people of this country, that is to say, whether the judgment will, in fact, pass as the will of the sovereign, it does not in the least answer the question to say that the body which can revoke that decision is the "King in Parliament." The important point is to determine what is the probability of the King in Parliament taking action in the matter, and this probability will depend on that vague and incalculable force which Rousseau called the "general will."

The truth seems to be that, when Austin thinks of sovereignty as one and indivisible, he means more by a "sovereign" than just that "person or body of persons to whom obedience is habitually rendered." We must, then, consider whether it may not be that there is in Austin a confusion between two senses of the word "sovereignty" and between two quite distinguishable problems; that in the one sense it resides in a person or body of persons, while in the other sense it is indivisible, but that sovereignty cannot in one and the same sense of the word have both these characteristics. But we shall best examine this problem by considering a fundamental objection which may be brought against the value of Austin's work.

It may be argued that an answer to the question which Austin is asking, though it may be of interest to the student of comparative political science or to the lawyer, has yet no real bearing on, and can offer

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no contribution to, the solution of the real problems of political philosophy. It is no doubt interesting to know what person or body of persons is sovereign in any particular state, but such knowledge does not in the least, it may appear, help us to discover what ought to be sovereign if the State is to promote the good life without defeating its own end—who or what it is that must be sovereign if the citizens are to be able to obey it without denying their rights as moral beings.

In answer to this, it may be said that we cannot obey the State if we do not know who is sovereign in the State. If the Church orders me to do one thing and the government or a court of law orders me to do another, which am I to obey? It may seem at first sight that this is simply a form of the question, "Where in my state does sovereignty reside?" But a little consideration will show that this is not so, or rather that, if it is so, we must attach a very different meaning to the word "sovereignty." If those questions are to be the same, it must be that that which I call sovereign is guaranteeing something of such infinite value that no consideration whatever could rightly induce me to disobey it; it must be true that I think that the disobeying of this authority is in itself so great a crime that no other crime could ever be so great. Only if this were true could I, by discovering what it is that the sovereign commands, be at the same time discovering what I ought to do; only then could the unravelling of the legal question of political sovereignty resolve for me my doubts as to my immediate moral obligation.

Now it is surely clear that, if this is what we mean

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by sovereignty, we shall find it difficult to find an answer to our question, "In what person or persons does sovereignty reside?" There have, no doubt, been times when for a short period great men and great governments have come near to being sovereign in that sense—when the people have felt in their hearts that this man or this government was for the time securing to them something so infinitely valuable that he or it must be obeyed and maintained in power at almost any cost, and, seeing things in the light of that infinite value, they recognised that they ought to follow that person or those persons through thick and thin; so far and for that time the political problem is solved. Solon is supposed to have occupied such a position; Pericles very nearly occupied it for many years. On a lower plane, soldiers have often felt something like this for a great leader, and there is something of this spirit in the allegiance of any man or woman to a government or to a political party. But if we ask what it is which is sovereign in this sense in any nation, it seems clear that we cannot for answer point to a person or body of persons; for it is never quite true that there is such a person or persons to whom we could as moral beings render that unqualified obedience which a civil society must demand of its members—and it is very, very rarely anything like true. Yet we do render such allegiance to the State, and this would seem to be a very real sense of the word "sovereignty"; it would seem to be this sense of which Rousseau was thinking when he maintained that the "general will" is sovereign.

Let us now return to Austin. He is asking what

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is that person or determinate body of persons to whom obedience is, in fact, habitually rendered (for that person or body of persons is sovereign)? We have seen that this is not the same question as to ask, "Am I to obey the State or not?" But has it a bearing on, and does it help me to answer, that question? Clearly it enables me to discover what it is which the State commands me to do; which command, for instance, that of the Church or that of the law court, really has the support of and carries the authority of the State. But the question still remains: "Am I to obey the State just because it is the State? Shall I obey the State if the action it commands seems to me to be in itself wrong?"

To this question it would seem that Austin's enquiry can give no answer. It may be of importance in that the extent to which I am prepared to render obedience may vary according to what it is which is sovereign in my state. I might sacrifice a good deal in order not to bring into disrepute an institution which was soundly democratic; I might refuse to obey a command to do something which was otherwise indifferent to me simply because it emanated from a form of government which seemed to me in essence tyrannical. But the mere determination of what is, in fact, the sovereign body cannot ever determine for me the moral question whether I ought to obey or ought not to obey. The answer to this question cannot be derived from any such enquiry into mere matter of fact. I may ask to what person is obedience, in fact, habitually rendered; but the fact that other people obey cannot in itself satisfy me that I ought to obey also. For a solution of the

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problem of obligation we have to inquire deeper into the end and purpose of civil society. For Austin, as we have seen, this question did not arise, because his general principles taught him that law and order were the first necessities of human life, and, therefore, that that organisation of government which is guaranteeing law and order is of such infinite value as to be entitled to claim unquestioned obedience. But for us this only expresses half the truth; for us law and order is indeed a thing of great value, but it is not the only thing of value, nor even the highest. Therefore, for us the course which will most assuredly maintain a general peace does not necessarily represent itself to us as our moral duty, though it would no doubt in fact usually do so.

If we then interpret the word in the wider sense we may put the problem of sovereignty thus: Only in the State can the life of man be fully lived; it is essential to the State that it enact laws and issue commands, and it is essential that these laws and commands be obeyed by every citizen. What, then, must be sovereign in a state if a man is always to be able to feel it his duty to obey the State, however intrinsically wrong may appear to him the things it commands him to do? For the State exists to make the moral life possible, that is, to make it always possible; the State is, therefore, so far defeating its own ends if its citizens have to choose between being put in prison and acting as moral cowards. It is obvious that individuals will often think that what is commanded by the law or by the government is not the best course in this particular instance, and yet if the State is to stand the law must be obeyed.

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Clearly, then, the whole fabric of society, of which the law is a part, must be seen to be guaranteeing something of such infinite value that no citizen can ever seriously think of failing to maintain that fabric. Wherein must sovereignty reside so that this may be so ?

This is the main issue as it seems to have been accepted by Rousseau and by Green, for example ; and to this problem an enquiry like that of Austin seems to be able to offer but little contribution.

We may now turn to consider Green's answer to the question.

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CHAPTER VII

MODERN THEORIES OF THE STATE: STATE-SOVEREIGNTY AND ASSOCIATIONS WITHIN THE STATE.

GOVERNMENT, according to Green, is based on consent. That is to say, the fact that the members of a society are prepared to submit to the authority of some definite body, whose right to issue commands and to make laws they recognise, is the only possible foundation of government. Whether or no the government in any particular country calls on the power with which it is endowed to enable it to enforce its commands, it is never this power which ensures its stability. It is no doubt true that laws are obeyed in many instances because of the fear that disobedience would involve punishment; but it cannot be maintained that an ordinarily conscientious citizen is always prompted in his actions merely by the dread of being punished. If this were so, the State would be merely a tyrannous oppressor, and certainly could not serve an ethical end. In fact, as Green points out, though the State is endowed with authority to enforce its commands by the power over the life and liberty of the individual which it can exert in the last resort, it is not this background of force which endows its commands with a sovereign authority, but rather the fact that it claims to speak

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for something over and above itself, whose voice claims obedience because it is the voice of the society as a whole.

It is the recognition of common interests which in the first place brings men together for a common life and induces them, as Rousseau had put it, to submit all their individual wills to the general will; and this is the motive force which makes a collection of men become a State and forms the basis of the possibility of civil government. For since a government can only be said to exist in so far as it is obeyed, it must find its justification as a government, Green urges, in the nature of the motive which underlies obedience to it; and this motive, he considers, is necessarily provided by that recognition of common aims and feeling of mutual sympathy which alone can make a common life possible.

This consent, or will to obey, thus explains the fact of sovereignty, since it shows how it is possible for a determinate body of persons to command the obedience of a people; but it also provides, according to Green, the justification of that fact. For on this view the person or body of persons whose commands are endowed with the force of law throughout a certain territory, not only is the sovereign within those bounds, but is, moreover, entitled to be sovereign, and is entitled to issue those commands which proclaim his position. For if it once be admitted that obedience is rendered because of a will to obey arising from the recognition of advantages which the subject sees in the maintenance of the existing order of things, and not by reason of the coercive power with which the State can enforce

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obedience, the inference is immediate that that body which actually is sovereign in any given society is necessarily entitled to that position. The universal application of this principle Green modifies by recognising that obedience is not, in fact, at all times rendered from will; such a situation, where government is no longer by consent, puts the sovereign body in the wrong and entitles the subject to oppose force with force.

On this view, then, the conclusion would seem to be, as regards the fact of sovereignty, that a government which is, in fact, habitually obeyed is sovereign, and as regards the justification of sovereignty, that, when a government is obeyed through consent, it can claim to be rightly sovereign, while if it is obeyed for more than short and critical periods through its exercise of force, then it has forfeited that claim.

The case that primarily interested Green was, naturally enough, that of a modern and comparatively democratic State. Moreover, he was imbued with notions of reform which he tried to fit into his theory of political obligation. Like Rousseau, he was never quite able to dissociate what ought to be from what was, a state of mind which led him into a strange paradox. Man, he says, unites into political societies through the recognition of a good common to himself and others, and in the interests of this common purpose he is prepared to obey commands which may seem to him to conflict with his own individual well-being, or even with his conscientious judgment as to what is right and what is wrong in any particular case. Yet, although man

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thus recognises a good common to himself and others, and for that reason enters into a civil society, it is, in fact, only through such society that he can develop himself. From the observation of this fact, Green concludes that "perfect self-realisation" is the end of good government; that is to say, he identifies "perfect self-development" with that common good the recognition of which is the basis of the possibility of civil society.

It is necessary to examine the implications of this conclusion. Are we to admit that the end which induces men to form societies, and which thus creates the problems of sovereignty, of obligation, and of rights, is merely a selfish one? Is society merely a means for realising to the full the possibilities of the individual? And is the noble conception of government by consent to end by meaning no more than that the subject sees the possibility of his own self-development to depend upon obedience to his government? Surely it cannot be maintained that the State is serving an ethical end when it merely gives to a man what he is, in fact, claiming of it—when it provides the subject with a good the prospect of receiving which makes him consent to obey the government. This is not to serve an ethical end, but to pander to the desires of the subject.

The truth would appear to be that there is no sufficient ground for identifying "self-realisation" with the "common good." It is no doubt true that the subject may be aiming at a common good when he by free consent obeys the laws of society, and that only the aiming at a common good can justify that free consent; it is also true that it is only by obeying

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the laws of society that a man can find "full self-realisation." But it does not follow that it is such self-realisation at which a man is aiming when he obeys by free consent; indeed, it would appear that, if the common good at which he is aiming is to justify his consent, then self-realisation cannot be the common good; for this would be, as we have seen, to base political obligation on selfish purpose. Selfish purpose might explain how a man does obey, but it could never explain how it comes to be that he ought to obey; and, to the plain man at least, it seems clear that, unless a man ought to obey the government, he ought not to do so. Green himself would readily admit that a government whose citizens felt no obligation to obey it cumbered the ground and should be, and would be, immediately destroyed.

This difficulty is to a large extent avoided by Bosanquet, whose view, though starting from a different point, has an underlying similarity to that of Green. Green feared lest the fact that the State, alone among the authorities which command our obedience, is endowed with the power of punishment, would induce the belief that it was this power, and not the moral end served by the State, which was really responsible for the habitual obedience which distinguishes it from other authorities; he, therefore, laid emphasis on will as the basis of the State. Bosanquet, too, recognises the importance of will, but he sees it from a different angle. Instead of saying in effect, "Because I recognise the advantages the State will render me, therefore I will its existence and am prepared to obey its government," he points out that it is the fact of willing the existence of the

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State, as the guarantee of all that is best in man's life, that itself makes a man capable of willing for himself any good that is really worth the willing. It is not so much that aspiring man sees in the State the means of securing his fuller moral life, "that utmost possible self-realisation of the individual"; it is rather that, whatever be his aims or desires, it is only as a member of a State that a man is a man at all in the highest sense of the word. If a man is to be a man at all and have the rational ends and permanent aims which distinguish mankind from the beasts, he must be a member of a State; it is only within the rational and calculable life which civil society can provide that a man can satisfy his desires; it is only so that, strictly speaking, he can have desires. It is only when he lives the full social life that a man can tell what it is he really wants and can determine whether or not it is worth striving for.

Thus the State, which for Green is the means to man's individual life, is for Bosanquet a part of an ideal, or rather a part of the essential nature of things; life in the State is necessarily bound up with the perfect realisation of the individual, and it is because of this that it claims sovereign authority. This claim a man must acknowledge, or cease to be a man; he cannot deny it without condemning himself to a life that is less than human, the life of the beasts, with no fixed aim or purpose, a life that is indeed "solitary, poor, nasty, brutish and short." Thus a man is bound by the very nature of things to recognise himself as a member of society, to live within that society, and therefore to obey its laws, for he cannot do otherwise.

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In common, then, between Green and Bosanquet we find a strong emphasis laid on the moral purpose, or rather the moral necessity of the State, as the foundation of political obligation. If we recognise the State's sovereignty over us and obey its commands in opposition to those of other authorities, and even of our own individual conscience, it is not because we are compelled by force to do so, but because we see in it the guarantee of a system of rights without which conscience itself would be but an empty name. The question then must arise: Can this recognition of the sovereignty of the State be absolute? Is there no case in which the advocates of this view will admit repudiation of the commands of civil government?

Clearly, on this view there is one case where such repudiation would be justified. If the State exists for a moral purpose, and it is this character which distinguishes its authority from that of other associations, then so soon as it ceases to serve this purpose and fails to secure the self-realisation of its members, those members are entitled to disobey its commands. A doctrine such as this, though it embodies a measure of the truth regarding the right (or, as Green prefers to call it, the duty) of rebellion, is, on the surface at least, a dangerous doctrine; for, carried to its logical conclusion, it would seem to justify an individual in resisting the government whenever its commands seem to him to conflict with the common good. The view must, therefore, be modified in some such way as Green modifies it. He holds that resistance is justifiable only in those cases where a majority of the people, or at least a considerable minority, really feel

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that the government or measure in question threatens the moral well-being of the State, and are convinced that the reform cannot be constitutionally and peaceably assured, and, further, that the danger to the stability of the State involved in this repudiation of its sovereignty will not more than outweigh any advantage likely to result from the reform.

With this qualification concerning the duty in certain cases to rebel against a State which is untrue to its trust—a duty which only history can show to have been rightly or wrongly undertaken in a given case—this doctrine of State sovereignty would claim to stand against all comers. But before we can fairly examine this claim it is necessary to inquire in a more profound and detailed manner into the fundamental conceptions on which it is based: an inquiry which will force us to go back to the foundations of the view in Kant (1724–1804) and Hegel (1770–1831). Difficult as such an enquiry must be, it seems impossible for us to shirk it if we are to gain any understanding of modern political thought, for it must be remembered that the work of Hegel has exercised no less an effect on Karl Marx and modern Socialists than on Bosanquet.

It is characteristic of Kant and Hegel that they plunge at once right into the heart of the inquiry, and then examine every problem as it arises from the fundamental point of view thus attained at the outset. If we are considering the question "What ought I to do?" it is of no use, according to Kant, to look at existing laws and say, "Ought I to obey this law or that law, or ought I not?" The problem to which we must first give an answer is a more

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general one : " What kind of law can I, as a rational being, obey ? " I must, as a rational being, choose between the various courses of action open to me; and when I obey the law, no less than when I deliberately act from desire, I must have chosen to do the thing I do. What kind of law, then, must it be if I am to be able freely to choose to obey it ?

If we remember that it is essential to the very being of a State that its laws should be obeyed—and it follows from this that, if the State is really to serve a moral purpose, the State itself and its laws must be such that a rational being could always freely choose to obey all of them—we shall see that the problem of politics was bound to present itself to Kant and Hegel in the form " Is there any Being, however exalted, to whom I, as a rational being, could say, ' Whatever you command, I shall feel an obligation to do. Whatever may be my own inclination or judgment in the matter, I shall know that I ought to do what you bid me do, no more and no less ' ? " And the answer was, " Either the State is such a being or it is nothing."

It is necessary to emphasise that there is a certain very definite clearness about this conception. There is great difficulty, of course, in explaining in detail what you mean by calling the State a Being or a Person ; but fundamentally the view is a simple one, and it is arrived at simply ; and difficult as the text of Hegel is bound to appear, and indeed to be, since he deals with problems as they arise, yet Hegel had this plain and clear conception before him all the time ; and it is evident from every line of his writing that he thought the conception a simple and an

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obvious one. Indeed, its very simplicity intoxicated him.

It seemed that Hegel had arrived at one blow at a quite concrete conception of what kind of thing the State is. Thinkers before Hegel had been trying to discover what a State was by examining particular states, and by inquiring into the difficulties and successes of State administration. Hegel, by asking himself the one question, "What kind of thing must a State be if we are to be able to obey it?" seemed to arrive at once at a definite viewpoint from which a whole theory of the State might fall into place. It seemed, therefore, to Hegel that, if you want to discover simply the nature of any fact, all you have to ask is "What must it be?" And if you are perfectly wise and perfectly thoughtful, you will never need to use your eyes and ears at all. So Hegel arrived at his celebrated conception of a Philosophy of History.

But the fact remains that Hegel, by his ability to attack the problems of political theory from a definitely concrete point of view, arrived at by a fundamentally sound method, was likely to offer a contribution of infinite value. It will be worth while to examine his view more in detail.

To the question "What kind of commands can I, as a rational being, unconditionally obey?" Kant had given the answer that I can only obey the commands of a Being whose thought is identical with my own; in other words, it seemed to him that the only law which I can accept as finally binding on myself is a law which I myself make. To any other law I should ask myself, "Why obey it?" and

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fail to find an answer to the question; if I found a satisfying answer, I should be myself remaking that law—I should be setting it up to myself in exactly the same way as if I were the inventor of it, that is, simply because I saw it to be a good and necessary law; it would now be my law, and by making it I should recognise that it was unconditionally binding on myself.

Now if we think of the essential nature of law and of our recognition of it as valid, we see that we treat it not as valid relatively to us, but as just valid; there is something universal about its nature; if we and all our actions were to vanish from the world, our law would still remain as part of the essential make-up of the world, whether recognised or not. Furthermore, it is only when we recognise it to have this universal nature that we recognise it to be binding on ourselves. Thus all men, for Kant, in so far as they act as rational beings and not as beasts—that is, in so far as they really try to think out what they ought to do, and to do it—are making and remaking these universal laws and realising the Realm of Reason or Law.

For Hegel this Realm of Reason is not being realised, but is real. He emphasised that these laws which men legislate, being universal, are necessarily the same, or at least belong to one and the same system; thus in this activity of legislation, or real thinking about their actions, men find arising among themselves a natural and inevitable unity, which they neither can, nor want to, resist. Thus, when we consider the natural unity of their aims and the necessary unity of their actions in so far as they

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act reasonably, we see that two men plus two men must become equal not to four men, but to something more ; in other words, owing to the very nature of reason, any combination of men necessarily gives rise to a power and a principle of action which just did not exist while those men remained isolated individuals.

This unity is for Hegel in the fullest sense a reality. It is not a manner of thought or a system of mental "working lines" by which we can explain the facts. It is a real element in the real world, without which the real world would not exist—without which there would be no distinction between men and beasts. This unity is not something which will be when the development of man is complete ; it is something which is all the time, for it is controlling, indeed it is making possible, that development and is itself developing with that development. We are not marching towards a unity ; we are a unity which grows and develops as we march, and this unity is, in fact, the State. Thus the State is the "March of God upon Earth."

Thus it has come about that for centuries men have combined with one another and realised that they gained by so doing, without ever having made clear to themselves the true nature of their society. How are we to make clear its nature ? Not, as Kant would have it, merely by asking what is the best possible State, or enquiring what the State ought to be, for that is to suppose that things might be other than they are—in other words, the rational unity, which is the State, would not be "real," but something outside and beyond the Real, and therefore

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unreal. We must rather consider the actual nature of things.

Even this we cannot do immediately. It is impossible to apprehend the full nature of the State if we treat it as something which just is. In the same way as the greatest truth, if taken from its context, may become the worst falsehood, so the best of States, if we look at it merely "through the window of a moment," will seem to us a very weak imitation of an ideal which might be. But this very ideal can only exist for us by contrast with the abstract view we have arbitrarily taken at a given moment from what is, in fact, a real growth in time. If we are to understand what the State truly is, we must see it not merely as an abstract "result" of a historical process, but as a whole which contains within itself all that process. Hence we might suppose that the State could no more be otherwise than it is than could an oak tree: and to say or think that it might or should be otherwise at any given moment would be to judge it by a clearly inapplicable standard—as if, for instance, a man should say that the oak tree under which he was starving "ought to be" an orange tree.

It might appear that this doctrine would condemn us to a policy of political *laissez-faire* in its most extreme form; for if this is the best of all possible worlds in the sense that it is the one and only possible world, it would seem that there can be no sense in trying to improve it. We may indeed expect it to improve or deteriorate according to whether we are temperamentally optimists or pessimists, but in the moment when we make up our minds that in a given

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era it has done either the one or the other, that era is for us finished and dead; and, moreover, it is on Hegel's view only when an era is past that we can discover whether it was improving or deteriorating. It is at least easy to see in Hegel the genesis of Schopenhauer's Blind Will which drives the world along and is essentially destructive of individuals.

Hegel drew no such conclusion. On the contrary, the State was to him the highest expression of human freedom. This contention was hardly paradoxical when Hegel advanced it; it has since become a truism. To-day it is unnecessary to point out that liberty is not a limited quantity, to be dealt out equally or otherwise among the members of the community. We do not suppose that an increase in the liberty of one person implies a limitation in that of others, or that political organisation can, from the very nature of the case, secure liberty to one class only, while the rest of the community must necessarily live the life of slaves in order to make possible the good life for the privileged few. We recognise that there is nothing in the nature of the case to prevent political organisation from securing liberty to all alike.

Though we may admit, however, that to live under a rational law is for the individual to live in a state of complete liberty, we may reasonably ask whether such an admission requires us to agree with Hegel's view of the State as the present embodiment of reason. Such a view seems incompatible with the existence of evil and the fact of misgovernment. It is one thing to agree that it is possible for the State to be organised on a basis of securing equal liberty

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for all, and another thing to say that every State is necessarily doing so at every moment of its existence. And yet this is what Hegel would seem to be maintaining; and though he realises that this difficulty is of fundamental importance to his whole system of philosophy, it would be misleading to suggest that his reply is altogether intelligible. It is, however, none the less important.

He starts from his old position, which we have mentioned before, that the "invisible unity" of men engaged for a common purpose is real. It is a substance. Thus the family is definitely different from the members of it; nor must this difference be understood as a mere distinction for thought. For Hegel there is a difference of fact. It may be that so far the doctrine will not be thought hard of acceptance. But Hegel goes further. The ultimate reality, he says, is not merely substance, but also subject. The family is, in fact, a person; and just as the individual man reaches maturity only after passing through stages in which he is not in the full sense rational, so that individual entity which comes into being when men are first placed together in society—a condition of man which is historically coincident with the very genesis of man in the family—must develop until it becomes the complete State.

This idea of a "group mind" which is a mind and not a psychological monstrosity is very difficult to grasp. But we must either try to understand it clearly or give up all hope of making Hegel's view of the State anything but arbitrary nonsense. Can we accept the fundamental doctrine that the "invisible substance" which grows when men are com-

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bined into a family or a State is not only substance, but subject? Or is it mere nonsense? This seems to be the crucial point for Hegel's philosophy. His own answer, which has already been outlined, is simple. If by consideration not of abstract formulæ, but of the concrete development of the world, we are constrained to admit it, then it is a fact. Though it may be true that we could never have expected such to be the case, and though we cannot understand how in principle such a new personality comes to arise, yet, when faced by the facts, we are constrained to admit, according to Hegel, that it has arisen. Obviously the State does not exist as something abstracted from the individuals which compose it, for its reality lies in them as theirs lies in it. But just because the State is itself an individual we cannot say abstractly what it ought to be any more than we can say abstractly of a man what he ought to do. We can only speak abstractly of an abstraction. Since the State is an entity, we may study it and judge it, but our judgment is misleading if it be taken to imply that the State might have been otherwise. To say that its constitution has improved is the same as to say that it has advanced to a higher level—it has realised more fully the true obligations of its citizens to one another and to itself. The history of its development is the history of "the march of God upon earth."

It now becomes clear that Hegel's theory of the State is, in fact, a theory of all reality. If we can conceive the State as an individual for whom as well as in whom all its citizens are understood as possessing rational functions and relations to one another,

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we have by so doing transcended the State. The State appears as the world spirit at a certain level of consciousness. The union of self-conscious beings within a whole which is explicitly conscious of them, and of which they are explicitly conscious, is rightly described as the ultimate self-realisation of the Spirit. It may be called indifferently the Idea, the Absolute, or God.

It may be that we shall not find Hegel's doctrine easily intelligible. But we must remember, when we are disposed to despair of ever understanding his thought, that all subsequent political thinking finds its origin, directly or indirectly, in his work ; that is, that those who have read his writings have recognised that Hegel was at least trying to deal with the problem in a way which might yield fruit, while those who have not have taken their ideas from contact with a world which has been almost universally influenced by his doctrines. No doubt different thinkers have drawn different conclusions from his teaching, but all have found his treatment of the subject so vital as necessarily to find a place in their systems. Though we may repudiate his philosophy as a whole, we must admit that Hegel was always in close contact with important facts which had hitherto escaped notice, but which no sound theory of the State can ignore.

Following in the direct line of succession from Hegel's view, we find the doctrine of absolute State sovereignty as propounded by Green and Bosanquet. It is based, as we have seen, on the recognition of the fundamental moral purpose of the State. The citizen, that is to say, obeys his government as the

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representative of State sovereignty, because the State renders him services of a more valuable kind than those of any other association to which he may belong. Of such infinite importance is the maintenance of the State as an effective organisation that nothing can entitle the citizen to neglect the duties which it imposes. A man may be a devout Christian, he may be a fearless freethinker, or he may be a convinced and earnest trade unionist, but it is as citizen, on this view, that he must always act. His duty is, first and always, to obey the State.

Such a conclusion cannot be accepted without criticism. It has been reached through the repudiation of any allegiance other than that owed to the State, and takes no account of the fact that high-minded and public-spirited men have in all ages felt constrained on particular occasions to oppose their individual wills to the will of the State, simply because they felt that the will of the State as expressed in the particular command was violating a moral principle which they thought it their duty to preserve. There seems to be no room for an acceptance of this fact in the Hegelian conception of the State as the actual living realisation of an ideal, and hence as exercising an undisputed authority over all its members.

There is here a clear alternative. Either the State is, in fact, such a being as the Hegelian view maintains, and does guarantee a good of such infinite value that nothing can justify resistance to it—and in this case there is no room in it for those who feel a personal obligation to maintain moral standards different from those which the State as a whole is

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prepared to adopt—or the State is not such a being. If it resigns its absolute sovereignty, it has to reckon with the claims and duties of the individual in capacities other than that of citizen. So if an individual man feels himself united, for example, in the common cause of peace with men of all nations and of all creeds no less than with those of his own nation or of his own Church, it would seem fair to argue that an international federation can claim from him, in certain connections, an allegiance to which the State can have nothing to say. The fact that he is a member of the Church of England will not prevent his combining to secure the peace of the world with Mohammedans, his functions as churchman and as internationalist being distinct; so the fact that he is an Englishman will not prevent his combining with Frenchmen or Germans or Italians, again because his functions as citizen and as internationalist are distinct.

The same considerations seem to hold good of associations within the State. If a man is united in business interests with members of his profession, or is associated for self-protection in membership of a trade union, he will necessarily feel an allegiance outside the sphere of competence of the State. For if it is true to say, with Green, that it is will which is the basis of the State—that is to say, that it is the will to unite which makes a collection of individuals into a State—it must be admitted that this same will to unite can bring into being and give a similar authority to societies other than the State. As often as this will pervades a number of individuals, so often will those individuals become an association instead

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of an aggregate. Such societies come into being to guarantee to their members some benefit whose absence impelled them to unite. As the State makes possible man's political life, so the Church makes possible his religious life, and the trade union his life as a worker.

We must not, however, be too hasty in drawing the conclusion to which these considerations would seem to lead. If we recognise that not only the State, but also all the other associations to which a man belongs, come into being and continue to exist in order to secure rights without which no man could live a life of individual liberty, how are we to distinguish, it may be said, between the merits of these various associations and to decide between the rival claims on our obedience ? How are we to escape from such a perpetual conflict of allegiances ? In practice we seem to free ourselves from an apparent dilemma by a saving distinction. Although all associations alike exist to guarantee some good, yet it would seem that there is a difference in kind among the goods guaranteed, and that in any particular case one of these goods must be of transcendent importance ; on this ground the balance tends always to be weighted in favour of the State. For this reason, even the claim of absolute sovereignty on the part of the State will not be lightly set aside when it is recognised what is the whole benefit for which the State stands. As things are at present, it is no exaggeration to say that the State makes possible the life of the individual. It protects him from foreign foes and private enemies at home, and regulates his dealings with his neighbours in the most essential relations of life ; the

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system of law secures him his property, legalises his marriage, educates his children if necessary, and enforces the carrying out of his will; in the last resort it may provide him with the very means of sustenance by its offer of pensions and of the shelter of the workhouse for the homeless poor.

So the citizen tends to obey the State because it renders him more valuable service than any other association to which he may belong. When once it is recognised that by that very capacity for association which causes man to form a civil society he also joins at the same time other societies for other purposes, it becomes clear that it is only the superior value of the benefit offered by the State over that secured by any other form of association which can justify the State's claim of absolute sovereignty. Thus a repudiation of this sovereignty may arise not from a desire to repudiate authority in itself, but from the recognition of an authority superior to the State. It may be just that the citizen feels on some particular occasion that the commands of the State may be neglected without impairing its moral purpose; it may be that he is convinced that, in general, the State possesses no claim superior to that exerted by his Church or his trade union; he may even think that the State no longer serves any moral purpose which could not be better served by other associations. So he would take up his stand in opposing the State on behalf of rival institutions on the ground that they rendered a more valuable benefit, and would, further, claim that some at least of the State's functions should be transferred to other bodies.

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This position can be illustrated by considering the problem before a citizen who is also a member of a trade union. It is clear that the trade unions guarantee to their members benefits which the State has during the past century failed, and still does to some extent fail, to secure for them. For example, the trade unions have, by their development of the method of collective bargaining, made it possible for the labourer to secure fair terms for his labour in the market. The workman who has appealed in vain to the government to ensure for him the fair wage which his trade union has later succeeded in winning for him is unlikely to be willing to strike a blow at the existence of the trade union at the command of that government. The contention that his judgment will be biassed in favour of the State by the fact that it is empowered to enforce its commands and punish even by death loses much of its force when it is remembered that trade unions also are endowed with a certain "coercive power," and that the punishment of expulsion from his union may prove more severe to a workman than imprisonment by the government. The balance of force is so far evenly distributed as to lie, in fact, outside the real decision. The answer of the average man will be influenced less by fear of punishment than by his judgment of the respective merits of the rival authorities, partly on the rights and wrongs of the particular case and partly on the wider question of the value to the individual and his fellows of the institution whose stability his disobedience may threaten.

In the present age, then, it seems to be left to the private judgment of the individual to decide on the

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merits of the claims of the rival authorities which demand his obedience. In the last resort it is not the State, or the Church, or the trade union which can command a man's obedience ; it would seem to be the principle underlying the present organisation of society that, while each authority puts forward its own claim, it is by his own free judgment that the individual must and will render or withhold his obedience. It may be that this principle is a sound one. At any rate, it may safely be said that, in so far as every authority is forced to recognise its immediate responsibility to the judgment of every individual man and the infinite smallness of its coercive power as before his simple judgment of what is good and what is bad, so long will those authorities stand for good and help men to lead a wider and a better life.

Thus not only does the existence of other associations within the State give to the individual an opportunity to develop faculties and interests which would not otherwise be exercised, but they force him to retain his individuality and to take his full share, whether he wishes it or not, in the working out of the solution of those difficulties in principle which are so urgent for political society at the present day.

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